

# ORIGINAL

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC  
COMPANY, et al

Docket No. 50-445  
50-446

(Comanche Peak Steam Electric  
Station, Units 1 & 2)

Deposition of: Myron G. "Curly" Krisher

Location: Glen Rose, Texas

Pages: 37,000-37,138

Date: Monday, July 9, 1984

*Original to E. Pleasant*

*H-1149*

*TRO1 o/1*

*1 copy to E. Johnson, Region IV*

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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 In the Matter of: :  
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 TEXAS UTILITIES ELECTRIC : Docket Nos. 50-445  
 COMPANY, et al. : 50 446  
 :  
 (Comanche Peak Steam Electric :  
 Station, Units 1 and 2) :  
 -----X

Room No. 42  
Glen Rose Motor Inn  
Glen Rose, Texas

Monday,  
July 9, 1984

Deposition of: MYRON G. "CURLY" KRISHER  
called by examination by counsel for the Applicants  
taken before Margaret K. Schneider, Court Reporter,  
beginning at 10:25 a.m., pursuant to agreement.

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1 APPEARANCES:  
2

## 3 FOR THE APPLICANT AND THE WITNESS:

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I N D E X

EXAMINATION OF:

PAGE

Myron G. "Curly" Krisher

37,008

EXHIBITS

NUMBER

PAGE

Exhibit A

37,008

Exhibit B

37,059

Certified Questions . . . . . Page 37,088

P R O C E E D I N G S

1  
2 MR. WALKER: Mr. Jacks, as I indicated  
3 earlier, I have a prepared statement I'd like to  
4 read into the record at this time.

5 My name is Richard K. Walker, and I'm a  
6 member of the law firm of Bishop, Liberman, Cook,  
7 Purcell & Reynolds, counsel for Texas Utilities  
8 Electric Company, Applicant in this proceeding.

9 I appear here today in that capacity and  
10 as attorney for Myron G. "Curly" Krisher, an EBASCO  
11 employee working under contract for TUGCO.

12 Before proceeding further, I wish to  
13 point out that Mr. Krisher is appearing voluntarily  
14 and that he is not under subpoena. Mr. Krisher's  
15 testimony has been requested from the Applicant by  
16 CASE, Intervenor in this proceeding, on the topics  
17 specified in CASE's letter to Leonard W. Belter  
18 dated June 27, 1984, a copy of which has been marked  
19 for identification by the Reporter and appended to  
20 the transcript of Mr. Tony Vega's deposition as  
21 Appendix A. Excuse me, Exhibit A.

22 The Applicant has already noted its  
23 objections to the deposition procedures and schedule  
24 ordered by the Board, and it intends no waiver of  
25 those objections by Mr. Krisher's appearance here

1 today.

2 At this time I would like to summarize  
3 the guidelines established by the Board for this  
4 proceeding in the taking of this deposition.

5 Under the Order issued by the Board on  
6 March 15, as modified by a series of subsequent  
7 telephone conference rulings, the scope of this  
8 deposition is limited to the taking of evidence and  
9 the making of discovery on harassment, intimidation  
10 of threatening quality assurance, quality control,  
11 that is, QA/QC personnel.

12 With one exception, allegations regarding  
13 any claimed harassment or intimidation of craft  
14 personnel have been specifically ruled by the Board  
15 to be beyond the scope of this examination and these  
16 proceedings.

17 The Board has also ruled that only  
18 evidence based on personal knowledge may be adduced  
19 and that hearsay, rumor, innuendo and the like are  
20 not proper subjects of the evidentiary portion of  
21 this deposition.

22 Finally, the Board has instructed the  
23 parties to separate the evidentiary and discovery  
24 portions of their examination of the witness. To  
25 give effect to the rulings as well as to insure

1 expeditious completion of this deposition, we now  
2 offer Mr. Krisher as a witness for the evidentiary  
3 portion of his deposition.

4 The issues for this portion of the  
5 deposition are defined by CASE's letter of June 27,  
6 which as I mentioned has been marked as Exhibit A  
7 and attached to Mr. Vega's deposition.

8 At the close of that evidentiary  
9 deposition, the evidentiary record would be closed.  
10 And with the opening of a new transcript to be  
11 separately bound, the discovery deposition of Mr.  
12 Krisher would commence should CASE decide to conduct  
13 such a deposition.

14 When the transcripts are available, the  
15 witness will sign the original of each of his depo-  
16 sitions on the understanding that should the executed  
17 originals not be filed with the Board within seven  
18 days after the conclusion of the deposition, a copy  
19 of either of the transcripts may be used to the same  
20 extent and effect as the original.

21 MR. JACKS: Is that it?

22 MR. WALKER: Yes.

23 MR. JACKS: All right. I don't have  
24 much in the way of preliminary statements except to  
25 say that having no choice in the matter, the

1 bifurcation of the deposition proceeding into an  
2 evidentiary portion and a discovery portion is  
3 apparently at the sole discretion of counsel for  
4 the Applicant.

5 I simply want it to be clear for the  
6 record that, one, I don't intend to ask any questions  
7 today that I believe to be inadmissible at the  
8 evidentiary hearing and that, two, in the event  
9 counsel instructs his client not to answer certain  
10 questions because counsel believes they're discovery  
11 rather than evidentiary questions and, therefore,  
12 defers them to a later time, I'll go along with  
13 that procedure having no choice in it.

14 But in doing so, I don't want it -- my  
15 conduct deemed as conceding that any question is,  
16 in fact, a discovery question rather than an eviden-  
17 tiary matter. And with that understanding, I'm happy  
18 to proceed.

19 MR. WALKER: I'm agreeable to the  
20 understanding, Mr. Jacks, but I must correct one  
21 slight mischaracterization. You indicated that the  
22 procedure that I have described is at the sole  
23 discretion of counsel for the Applicant. I draw  
24 your attention to the fact that on June 28th, in a  
25 telephone conference, Judge Block declared the



1 Board's understanding that these depositions could  
2 be both evidentiary and discovery in nature and that  
3 "they could be divided into two sections for the  
4 purpose of clarity and objections."

5 That's transcript page 13,659. Judge  
6 Block explained that there would be "a separate  
7 section dealing with evidentiary matters and a  
8 separate section dealing with discovery matters"  
9 at the same transcript citation.

10 MR. JACKS: I'm merely pointing out that  
11 Judge Block is not here today, so you're the one  
12 who is going to be making rulings on which of my  
13 questions are for discovery purposes and which are  
14 for evidentiary purposes, and that's the matter  
15 that's in your discretion.

16 And as I say, I'm happy to go along with  
17 that procedure as long as it's understood that I'm  
18 -- I may not necessarily agree with your characteri-  
19 zations of my questions.

20 MR. WALKER: Fine.

21 Whereupon,

22 MYRON G. "CURLY" KRISHER

23 was called as a witness on behalf of the Applicants  
24 and, having been previously duly sworn, was examined  
25 and testified as follows:

## EXAMINATION

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BY MR. JACKS:

Q. Mr. Krisher, would you state your full name for the record, please, sir?

A. Myron G. Krisher.

Q. You're called "Curly"?

A. Yes, I am.

Q. Where do you live?

A. Stephenville, Texas.

Q. By whom are you employed?

A. EBASCO Services, Incorporated.

Q. For how long have you worked for for EBASCO?

A. 18 months.

Q. Has all of that work been at Comanche Peak?

A. It has.

Q. Okay. The Reporter has marked as Exhibit A to your deposition, which is being taken in Room 42 here at the Glen Rose Motor Inn, a resume of three pages. Are you familiar with that document?

(The document above referred was marked Exhibit A for identification, which copy is attached hereto.)

1 A. Yes, I am.

2 Q. I understand from things I was told by  
3 counsel prior to the beginning of your deposition  
4 today that this resume represents your experience  
5 prior to the time you came to work for EBASCO at  
6 Comanche Peak but does not include the positions  
7 you've held since that time. Is that correct?

8 A. That's correct.

9 Q. With that understanding, is the resume  
10 otherwise accurate and complete for the time periods  
11 covered in it?

12 A. It is.

13 Q. Have you since coming to work for EBASCO  
14 received any education, training or certifications  
15 that do not appear in this resume?

16 A. Jobsite certifications as to verification  
17 of level of inspection authority.

18 Q. All right. You pursued no other schooling  
19 or job training, though, beyond acquiring those  
20 certifications for this jobsite.

21 A. No, sir, I have not.

22 Q. Does all of your employment experience,  
23 prior to your coming to work for EBASCO, appear on  
24 this resume?

25 A. Yes, sir, it does.

1 Q If you would, please, sir, describe for  
2 me in chronological fashion if you can the positions  
3 you've held since you've worked for EBASCO here at  
4 Comanche Peak.

5 A I was originally employed as quality  
6 engineer in mechanical and welding disciplines. At  
7 about the six-month interval of employment, I was  
8 assigned as the supervisor of quality engineering.

9 Q When would that have been, approximately?

10 A About June of '83.

11 Q And that title again?

12 A Supervisor of quality engineering.

13 About a month later, I was also assigned as super-  
14 visor of the quality control effort. The title was  
15 QA/QC supervisor.

16 Q Is that the position you still hold?

17 A In approximately December of '83, the  
18 project went into a full scale area management mode.  
19 I was assigned as the quality control supervisor of  
20 the reactor building.

21 Q Does that cover it up to the present  
22 time?

23 A Yes, sir.

24 Q Do you know a man named William Dunham?

25 A I do.

1 Q When and under what circumstances did  
2 you first make his acquaintance?

3 A My first knowledge of Mr. Dunham was at  
4 a meeting called by project management on -- I  
5 believe August 18th, 1983, to discuss upcoming  
6 changes in the protective coatings program.

7 Q Where was this meeting held?

8 A At the carpenter shop at Comanche Peak.

9 Q Who besides yourself and Mr. Dunham was  
10 present?

11 A The -- invited to the meeting were all  
12 the protective coating craft, foremen, general  
13 foremen and superintendents and all the QC inspectors  
14 and their leads for the protective coatings program.

15 Q Who called the meeting?

16 A Project management.

17 Q Who was your immediate supervisor at that  
18 time?

19 A My in-line supervisor was Tom Brandt.

20 Q Was Mr. Brandt there for that meeting  
21 or were you representing him at that meeting?

22 A I was actually representing Mr. Tolson,  
23 who was the project QC manager.

24 Q Was Mr. Brandt there?

25 A No, he was not. He was off sick.

1 Q. What did you understand to be the purpose  
2 of the meeting?

3 A. To -- it was twofold, to present the  
4 upcoming changes in the quality program as a result  
5 of a task force study and to solicit resolutions to  
6 problems that any of those present felt they had a  
7 resolution.

8 Q. Did someone preside over this affair?

9 A. I believe the opening address was by  
10 Mr. Frankum, who is the Brown & Root project manager.

11 Q. That's F-r-a-n-k-u-m?

12 A. I really don't know the correct spelling.

13 Q. All right.

14 A. I'm sorry.

15 MR. WALKER: I believe that is correct.

16 Q. Did Mr. Dunham make any remarks at that  
17 meeting?

18 A. During the meeting he had no comments.

19 Q. Following the meeting, did he engage in  
20 conversation?

21 A. Yes, he did.

22 Q. What did he say to you?

23 A. He indicated that he was concerned about  
24 threats and intimidation of the inspectors.

25 Q. Had you ever met the man before?

1 A. No, sir, I had not.

2 Q. Was he anyone over whom you had either  
3 direct or indirect supervisory authority?

4 A. When Mr. Brandt was absent from the  
5 jobsite, I normally assumed his responsibilities as  
6 the QA/QC supervisor. And that would have put me in  
7 line to supervise his supervisors.

8 Q. All right.

9 A. Direct supervisors.

10 Q. Who were Mr. Dunham's direct supervisors  
11 at that time?

12 A. His direct supervisor was Harry Williams.

13 Q. Is there anyone else who would have  
14 directly exercised supervisory authority over Mr.  
15 Dunham at that time?

16 A. I don't believe so.

17 Q. What was his position at that time? That  
18 is, Mr. Dunham's position.

19 A. He was acting as a lead inspector. I  
20 believe he was involved in the review of documents  
21 at that time.

22 Q. All right. Now I understand that he  
23 said to you that he was concerned about threats and  
24 intimidation of inspectors. I assume he gave some  
25 examples of what he meant. Did he?

1           A.     No, sir. I asked him if he had any  
2 specifics. And he said, "Well, you know," and  
3 couldn't give -- wouldn't give me any specific  
4 examples of either threats or intimidations.

5           I asked -- he and -- there were two or  
6 three others that gathered around as the conversation  
7 took place, to come forward and let me know if they  
8 had some specific examples.

9           Q.     Who else was standing around with you  
10 as Mr. Dunham engaged in this conversation?

11          A.     At that moment in time, I did not know  
12 any of those people.

13          Q.     Do you now know who some of them were?

14          A.     I know that two of them that are still  
15 on site.

16          Q.     Yes, their names, please?

17          A.     Tom Miller and -- late in the conversa-  
18 tion, Mr. Houston Gunn.

19          Q.     I'm sorry?

20          A.     Gunn, G-u-n-n.

21          Q.     All right. About how long did this  
22 conversation last?

23          A.     It was raining outside. People didn't  
24 want to go outside. It probably lasted 15 minutes.

25          Q.     Okay. That is the conversation between



1           you and Mr. Dunham?

2           A.     Yes, sir.

3           Q.     All right.  Because you were there and  
4           I was not, I'm having to rely on you to report to  
5           me what happened.  I understand thus far from your  
6           testimony that Mr. Dunham came up to you, said he  
7           was concerned about threats and intimidations of  
8           inspectors.  You asked him for specific instances.  
9           He either couldn't or wouldn't supply those.

10          A.     That's correct.

11          Q.     Is that all there was of the conversa-  
12          tion?

13          A.     I told them that I would look into their  
14          concerns.  And if they had any specifics collectively  
15          to come forward and tell me people, places.

16          Q.     Did anyone other than Mr. Dunham express  
17          similar concerns to his?

18          A.     As I recall, there was some supportive  
19          conversation on the part of one or two of the other  
20          people, but no specifics.

21          Q.     Did Mr. Gunn give you any idea who he  
22          believed had done the harassing and intimidating of  
23          inspectors that he thought had gone on?

24          A.     As I recall, he spoke in generalities  
25          about craft.

1 Q Did he say anything about which of the  
2 craft groups he believed to have been responsible for  
3 harassment or intimidation of inspectors?

4 MR. WALKER: Just for the record, I  
5 suspect this is not a problem, but this line of  
6 questioning is intended to elicit answers that would  
7 be offered for the truth of the matter stated, and  
8 then Mr. Dunham's comments, obviously, would be  
9 hearsay and objectionable.

10 Would you clarify the purpose and the  
11 line of questioning?

12 MR. JACKS: Well, the purpose of the line  
13 of questioning is to find out what this man knows  
14 about Mr. Dunham's complaints. And I don't know that  
15 that has anything to do with the truth of the matter  
16 stated.

17 It certainly has to do with what Mr.  
18 Krisher knows about the whole Dunham matter.

19 MR. WALKER: I see. So you would  
20 stipulate that Mr. Krisher's testimony regarding  
21 comments by Mr. Dunham alleging intimidation and  
22 harassment would not be properly admissible for the  
23 truth of the matter asserted?

24 MR. JACKS: No, I won't make such a  
25 stipulation.

1 MR. WALKER: Then I'll have to direct  
2 the witness not to answer.

3 MR. JACKS: All right.

4 BY MR. JACKS:

5 Q Do you understand what question it is  
6 you're being told not to answer, Mr. Krisher?

7 A I believe so.

8 Q All right. Do you understand that my  
9 question is: "Did Mr. Dunham say to you which  
10 crafts or which groups he thought were involved in  
11 harassment or intimidation?" Did you understand  
12 that to be my question?

13 A Yes, sir, I do.

14 Q Do you refuse to answer?

15 A On advice of counsel, I decline to  
16 answer.

17 Q All right.

18 MR. JACKS: Would you certify that,  
19 please, ma'am?

20 BY MR. JACKS:

21 Q Did Mr. Dunham mention any names of  
22 people who he thought had done the harassing or the  
23 intimidating?

24 MR. WALKER: Objection, hearsay. Same  
25 direction to the witness.

1 BY MR. JACKS:

2 Q. Do you refuse to answer?

3 A. For the same reason as the previous  
4 question.

5 MR. JACKS: Certify it, please.

6 Q. Did Mr. Dunham indicate whether or not he,  
7 himself had, in his view, been a victim of harass-  
8 ment or intimidation?

9 MR. WALKER: Objection, hearsay. I  
10 direct the witness not to answer.

11 BY MR. JACKS:

12 Q. Do you refuse to answer, sir?

13 A. For the same reason as the previous  
14 question.

15 MR. JACKS: Are you going to refuse to  
16 let him answer any question about what Dunham said to  
17 him in any conversation?

18 MR. WALKER: No, I'm going to refuse -- or  
19 I'm going to direct him to refuse to answer any  
20 questions that may elicit from him hearsay. I think  
21 we could take care of this very easily if you could  
22 stipulate that you're not going to maintain that  
23 Mr. Krisher's reports of Mr. Dunham's conversations  
24 with him are admissible upon the truth of -- going to  
25 the issue of the truth of Mr. Dunham's allegations.

1 MR. JACKS: Well --

2 MR. WALKER: Which I can't imagine you  
3 would do, but if you insist on refusing to make the  
4 stipulation then I have to stand by my objection.

5 MR. JACKS: You and I have a fundamental  
6 misunderstanding about how objections are to be  
7 handled today. In addition, I have no authority to  
8 make stipulations that are going to bind the attorneys  
9 at the evidentiary hearing. And I suggest that  
10 perhaps we just take an adjournment and check with --  
11 let me see if I can find Mr. Roisman and see what his  
12 understanding of our agreement is. Because your  
13 understanding of it is not the same as his was last  
14 night.

15 MR. WALKER: That's fine.

16 MR. JACKS: And then we'll either get it  
17 worked out or we'll call the Board. Okay?

18 MR. WALKER: Great.

19 (Whereupon, a recess was taken.)

20 BY MR. JACKS:

21 Q Mr. Krisher, we have had a long break  
22 during which Judge Block has ruled on certain matters,  
23 among them the way that objections will be handled in  
24 your deposition today.

25 If you'll recall before the break I asked

1 you some questions that you were instructed by your  
2 attorney not to answer, is that right?

3 A. Yes, sir.

4 Q. And the reason he instructed you not to  
5 answer those questions was because he had some objec-  
6 tions to them that he has stated on the record,  
7 correct?

8 A. Yes, sir.

9 Q. All right. I'm going to go back now and  
10 ask you those same questions again with the under-  
11 standing that Mr. Walker will have the same objections  
12 to them. But the Judge has ruled that you may go ahead  
13 and answer those questions and that then his objec-  
14 tions will be ruled upon at a later time rather than  
15 our arguing about them here today.

16 A. Yes, sir.

17 Q. The first such question that I asked you,  
18 I believe was, whether or not in the conversation  
19 you've described that Mr. Dunham had with you follow-  
20 ing a meeting on the 18th of August 1983, whether Mr.  
21 Dunham in his conversation mentioned any particular  
22 crafts or groups of individuals that he believed had  
23 engaged in the harassment or the intimidation of  
24 inspectors.

25 MR. WALKER: Mr. Jacks, just so we're

1 clear on the record, I want to restate my objection  
2 to the question which is to the extent that it calls  
3 for evidence that might be offered for the truth of  
4 the matter asserted in any statements Mr. Dunham may  
5 have made to Mr. Krisher. It is hearsay and not  
6 admissible in evidence.

7 And if you will agree, I'm perfectly  
8 willing to make that a continuing objection to any  
9 questions designed to elicit answers from Mr. Krisher  
10 regarding the content of statements made by Mr. Dunham  
11 or others to them.

12 MR. JACKS: I think that's fine. I agree.

13 BY MR. JACKS:

14 Q Your answer, sir.

15 A To the best of my recollection, Mr. Dunham  
16 did not identify anyone by name. He only indicated  
17 that protective coatings applicators, their foremen  
18 and/or supervisors he felt were threatening, harassing  
19 or intimidating the inspectors.

20 Q Another question that I'd asked you was  
21 whether or not Mr. Dunham indicated to you in this  
22 conversation that he, himself, in his view had been  
23 a victim of harassment or intimidation.

24 A My recollection of that conversation is  
25 that it would have been -- it is difficult to tell

1 if he was speaking from personal or speaking for the  
2 group.

3 Q All right.

4 A And when I asked him for specifics, none  
5 were forthcoming.

6 Q Did he indicate over what period of time  
7 he felt this harassment and intimidation had taken  
8 place? For example, whether it was recent or whether  
9 it was something that occurred long ago in the past.

10 A I don't -- as I recall, I don't think he  
11 put a specific time frame on it, just that it had  
12 happened, was happening. I don't know.

13 Q Did Mr. Dunham say whether or not he  
14 had made the same complaint? That is, about intimi-  
15 dation or harassment of inspectors, to people other  
16 than you.

17 A As I recall, I believe that he did indi-  
18 cate that he had spoken to quality management about  
19 his concerns, yes.

20 Q Who in quality management?

21 A I -- names, I'm not sure. I would  
22 assume management to be whomever were the managers  
23 depending upon the time frame.

24 Q Would that have been Mr. Williams, his  
25 boss at that time, or someone higher up in quality



1 management?

2 MR. WALKER: The question has been asked  
3 and answered.

4 You may answer.

5 BY MR. JACKS:

6 Q Go ahead and answer.

7 A Probably Mr. Williams and his superiors.

8 Q Okay. Let me focus more closely with you  
9 on one part of this conversation between you and Mr.  
10 Dunham that you've described, and that is the point  
11 at which you asked him for some specifics. Are you  
12 with me?

13 A Yes, sir.

14 Q All right. When you asked for specifics,  
15 what sorts of things did you have in mind -- names,  
16 dates and places -- or something else?

17 A Specific incidents which would include  
18 individuals involved.

19 Q All right. Now when you asked him that  
20 question, did he make no response? That is, did he  
21 just clam up?

22 A As I recall, he made a -- you know,  
23 "everybody knows what I'm talking about" kind of thing.  
24 A summary, a summary statement, no individuals by name.

25 Q Did he say, "Everybody knows what I'm


1 talking about"?

2 A. At this late date, I can't accurately  
3 quote that conversation.

4 Q. I don't want to be unfair with you at all  
5 and if you can't remember specific things, please feel  
6 free to tell me so --

7 A. All right.

8 Q. -- as you've just done. As you sit here  
9 today, can you be certain in giving your sworn testi-  
10 mony that he did not mention any particular examples?

11 A. I believe so because if I had had a  
12 specific  for example, I would have pursued and  
13 investigated that situation.

14 Q. When -- when you asked him for specifics  
15 and he gave this general comment that you've described,  
16 did you press him on the point? Did you say, "Look,  
17 I've got to know something more than just everybody  
18 knows about it before I can help you any." Did you  
19 say anything to him like that?

20 A. As I recall the conversation, I at least  
21 twice and maybe more often asked he and the others  
22 who were present at the time to give me specific  
23 examples in which they felt that they were or had  
24 been or were being intimidated, harassed.

25 No names that I can recall were brought

1           forth then and there was no further contact with any  
2           of those people for the next several days and/or weeks.

3           Q       Now are you telling me that among the  
4           other people there in addition to Mr. Dunham, Mr.  
5           Miller and Mr. Houston Gunn, is there anyone else  
6           who you can recall having engaged in such conversation  
7           that you've testified about?

8           A       Nobody that I recall by name.

9           Q       All right. Were there others there whose  
10          names you just can't recall?

11          A       There was one inspector there that indicated  
12          he was leaving. There were no other people that I  
13          have since made the acquaintance of.

14          Q       When you say "leaving," that is leaving  
15          that job and going somewhere else?

16          A       Yes. And he was going to another jobsite.

17          Q       Because of his unhappiness with this  
18          harassment or intimidation business?

19          A       I don't recall the specifics of his  
20          conversation other than he indicated as a part of the  
21          few minutes of conversation that took place at that  
22          time that he was terminating. And I don't even recall  
23          where he said he was going to work.

24          Q       All right. Now I believe you told me  
25          that you promised this group of individuals that you

1 would look into the matter of harassment or intima-  
2 tion of inspectors -- or something to that effect, is  
3 that right?

4 A. Yes, sir, I did.

5 Q. Would that responsibility fall within your  
6 duties in the job that you held at that time? That  
7 is, to investigate such complaints when they were made  
8 to you by QC inspectors.

9 A. To at least make a surface investigation  
10 to see if there was any substance to what was stated  
11 in general. And --

12 Q. Are there any -- I'm sorry. I didn't mean  
13 to interrupt you.

14 A. Go ahead.

15 Q. And let me tell you too in the way of  
16 ground rules, if at any time during the deposition  
17 today I inadvertently begin a question before you  
18 have finished your answer, would you tell me that I  
19 have done that? Because I don't mean to interrupt you.

20 A. Yes, sir.

21 Q. All right. Now in your job, were there  
22 any written policies or guidelines that instructed  
23 you what to do if somebody came to you with a complaint  
24 such as these gentlemen had made -- harassment or  
25 intimidation of inspectors? Is there some set of

1 guidelines of procedures that determine what your duty  
2 is in that circumstance?

3 A. Under a specific, I would have taken it  
4 to my supervisors.

5 Q. That is, when you say a "specific," if  
6 someone had come to you with a particular instance  
7 saying on such and such day, Joe Jones, who is a  
8 coatings foreman, harassed and intimidated me as I  
9 was trying to do my job inspecting his crew's work.

10 A. Yes, sir.

11 Q. Is that what you mean by "specifics"?

12 A. Yes, sir.

13 Q. All right. Well, let me ask this question.  
14 If, as you understood it, back in 1983 someone did come  
15 to you with some specifics of an incident in which  
16 they said they felt they'd been harassed or intimidated  
17 in doing their job. Were there written policies or  
18 guidelines that told you, Curly Krisher, what you  
19 should do in that event?

20 A. I -- I really don't know.

21 Q. All right. What did you understand you  
22 should do in the event someone came to you with a  
23 particular complaint where some specifics were  
24 spelled out regarding an incident that was alleged  
25 to be an incident of harassment or intimidation?

1           A.     To take that to my superiors, to the  
2 supervisor of quality control and the manager of  
3 quality at the project.

4           Q.     Would that have been Mr. Brandt and Mr.  
5 Tolson?

6           A.     At that point in time, yes, sir.

7           Q.     All right. Would that be the sum of your  
8 duties in such an event? That is, if someone made a  
9 complaint to you, was your only responsibility to  
10 report it on up the line to Mr. Brandt and Mr. Tolson  
11 where you received a specific complaint of harassment  
12 or intimidation?

13          A.     I really don't understand what you're  
14 asking me.

15          Q.     All right.

16          A.     All right.

17          Q.     And that's another one of the agreements  
18 I'd like to have with you. Anytime you don't under-  
19 stand what I'm asking you, tell me so.

20          A.     I will.

21          Q.     And I'll chew it up as fine as we need  
22 to so that you and I are on the same wave length,  
23 all right?

24          A.     That's fine.

25          Q.     Now, what I'm trying to learn from you,

1 Mr. Krisher, is it as of August 1983 you received a  
2 complaint involving a specific instance. You told me  
3 you would report that on up the line to Mr. Brandt  
4 and Mr. Tolson, is that right?

5 A. Yes, sir.

6 Q. Did you understand that your duties  
7 regarding such a complaint included anything else or  
8 that you had satisfied what was required of you by  
9 reporting that complaint on up the line?

10 A. Before I would normally report the  
11 complaint, I would investigate in the field if it was  
12 going on at this point in time.

13 Q. All right.

14 A. Talk to the peoples involved, find out who,  
15 what, why, where and when.

16 Q. So that the procedure you followed at the  
17 time of August 1983 was that you first would undertake  
18 an investigation on your own, is that right?

19 A. Investigation being that I would interface  
20 with the people involved at that moment in time.

21 Q. Does that mean that you would go out and  
22 talk to them and try to --

23 A. Yes, sir.

24 Q. -- find out what happened?

25 A. Yes, sir.

1 Q. Would you take statements from them?

2 A. Prepared summary statements? I would  
3 listen to what they had to say. I would try to find  
4 out what was going on.

5 Q. All right. So the first thing you would  
6 do would be to investigate by talking to people your-  
7 self, right?

8 A. Yes, sir.

9 Q. And the second thing you would do would  
10 be what?

11 A. If there was substance to that, I would  
12 report it to my superiors.

13 Q. And if in your view there was not substance  
14 to it; that is, to a specific complaint of harassment  
15 or intimidation, what would you do at that event?

16 A. I would advise them at some period and  
17 time that there had been a problem.

18 Q. "Them" who?

19 A. Management, my superiors.

20 Q. All right. Would you also advise them that  
21 you had investigated and had found no substance to it?

22 A. Yes.

23 Q. Would that generally be the end of the  
24 matter where you had informally talked with the people  
25 involved and decided there was nothing to a particular



1 complaint?

2 A. Normally, there would be most problems in  
3 the field between inspectors and/or craft or matters  
4 of misunderstanding are not intended to be either  
5 harassment or intimidation. Normally, they can be  
6 resolved on the spot if a knowledgeable supervisor or  
7 lead and craft foreman can be gotten to that point in  
8 time, that particular moment in time.

9 Q. And if that, what you would try to  
10 accomplish in doing this informal investigation that  
11 you talked about; that is, the satisfactory resolution  
12 of the matter at that lower level.

13 A. If there was, in fact, in my opinion an  
14 attempt to harass or threaten or intimidate, I would  
15 immediately take to my management and advise the  
16 craft that cease, desist.

17 Q. Okay. I want to make sure that you and I  
18 are on the same wave length and make sure I'm under-  
19 standing what you're telling me. And if I get it  
20 wrong, would you tell me I've got it wrong?

21 A. I'll try.

22 Q. All right. If I understand what you're  
23 telling me it is, that when you received a complaint  
24 involving a specific incident, that the first thing  
25 you would do would be to investigate it informally by

1 going out and talking to the people involved yourself  
2 to determine if there was any substance to it. That  
3 if you determine that, indeed, in your view there had  
4 been harassment or intimidation, that you would then  
5 immediately report that to your superiors, Mr. Brandt  
6 and Mr. Tolson, is that right?

7 A. Correct, modified that if the inspector  
8 was not satisfied with the resolution to the problem,  
9 it would be escalated.

10 Q All right. So that if in your view there  
11 was not substance to a particular complaint and you  
12 told the complaining employee that and he still wasn't  
13 happy about it, then that incident too would be  
14 reported up the line to Mr. Brandt and Mr. Tolson,  
15 right?

16 A. Yes, and he would also have been advised  
17 of his alternate courses to report his concern.

18 Q Which would be what?

19 A. It's currently what they call an eight  
20 point program regarding reporting of harassment,  
21 intimidation, threats.

22 Q How long has that been in effect?

23 A. Portions of it, I believe, have been in  
24 effect prior to August. Some of it, I think, was put  
25 in about December.

1           Q     Do you recall as of August 1983 what other  
2 alternatives were open to an employee whose complaint  
3 you had investigated and had determined to your own  
4 satisfaction was groundless but who the employee still  
5 thought he had a legitimate complaint?

6           A     Both Mr. Brandt and Mr. Tolson maintained  
7 an open-door policy. The utility management has,  
8 since my arrival at Comanche Peak, had an open-door  
9 policy.

10                     There was always a resident regulatory  
11 inspector on site who listened to or had an open-door  
12 policy and could be contacted by anyone who had a  
13 concern about any part of the quality of the project.

14           Q     So that the employee who believed he had  
15 a legitimate complaint about harassment or intima-  
16 tion would be told that he had the choice of going  
17 through the open door into Mr. Brandt or Mr. Tolson's  
18 office, through the open door into the utility manage-  
19 ment's office, or through the open door into the NRC  
20 site office.

21           A     Yes, sir.

22           Q     Now you've told me that where there was a  
23 specific complaint that you've investigated and you  
24 thought it was legitimate, you would report that to  
25 Mr. Brandt and Mr. Tolson. And you've told me that

1 there was a complaint that you believed not to be  
2 a legitimate complaint of harassment or intimidation  
3 but the employee still did, that that would be reported  
4 to Mr. Brandt and Mr. Tolson, right?

5 A. Yes, sir.

6 Q. Would I be correct in understanding then  
7 that it was your practice back in August of '83 that  
8 the only complaints of harassment or intimidation  
9 that would not be reported on up the line to Mr.  
10 Brandt and Mr. Tolson would be ones where the employee  
11 was satisfied with the way things were worked out at  
12 the lower level without getting the supervisors  
13 involved, is that true?

14 MR. WALKER: I believe his testimony was  
15 as to allegations of specific incidents of --

16 BY MR. JACKS:

17 Q. Yeah, and I mean for my question to apply  
18 to specific complaints. Okay?

19 A. I'd like to qualify the answer just a  
20 little bit if I might.

21 Q. Feel free to.

22 A. Craft QC work under a moderate adversary  
23 condition at varying levels during construction,  
24 personalities of varying types are involved, on  
25 occasion two conflicting personality types can be

1 involved in the same activity. And that can elevate  
2 itself to a situation where one or both parties feel  
3 they're being intimidated by the other.

4 Normally, those things can be resolved in  
5 the field by the supervisor, unless there is no  
6 resolution to it. The inspector feels that he has  
7 been wronged. They would normally not be reported  
8 other than a part of daily activity that, you know,  
9 "We had a little donneybrook. Joe and Mike didn't  
10 get along today for whatever reason. And everybody  
11 went away, getting it done."

12 Q All right. I want to be sure I'm under-  
13 standing you. If I'm understanding you, what you're  
14 saying is that there might be a situation where Joe  
15 the inspector comes to you and says, "Mike, the  
16 crafts person has been on my case today and he's  
17 been harassing me. He's been intimidating me. He's  
18 been threatening me."

19 A That's true.

20 Q And you go talk to Mike and you decide  
21 that it's really just a misunderstanding and that no  
22 harassment was intended. Are you saying that in such  
23 case, that incident might not be reported on up the  
24 line to Mr. Brandt and Mr. Tolson, even though Joe,  
25 the inspector, still believes that he was harassed

1 or intimidated?

2 A. If the inspector still believes that he  
3 was harassed and intimidated, it will be reported up  
4 the line and he will be advised of his other avenues  
5 of pursuit if he's not satisfied with this informal  
6 conclusion to a problem.

7 Q. All right. Is it a true statement then  
8 that the only case in which a specific incident of  
9 claimed harassment or intimidation would not be  
10 reported on up the line to Mr. Brandt and Mr. Tolson,  
11 would be one in which the inspector, after everybody  
12 has talked it over, is satisfied and agrees to let  
13 the matter drop? Is that a fair statement?

14 A. I'm hesitant because I'm not confident  
15 in the accepted understanding of the adversary  
16 condition of which this type of program works. You  
17 will always have differences of opinion. Craft at  
18 one time or another will feel that I, the inspector,  
19 am critical, too slow, whatever. Most of those  
20 types of things can be dealt with at the first-line  
21 level in the field.

22 The inspector is satisfied and indicates  
23 that he is so satisfied. If he is not satisfied,  
24 we'll take it on up. If, in fact, in the view of  
25 the lead or the supervisor there was intimidation, it

1 will be addressed immediately.

2 Q. But the thing I want to be clear on is that  
3 if the inspector is not satisfied, the policy, as you  
4 understood it, was it goes on up the line through  
5 the formal reporting procedures, is that correct?

6 A. Yes. That's essentially correct.

7 Q. Lawyers always get nervous when somebody  
8 says "essentially."

9 A. (Laughter.)

10 Q. So if there's anything about that that's  
11 not right, I need to know.

12 A. I think that's a true statement, yes.

13 Q. All right. Now we've talked about  
14 specific incidents where an inspector claims that  
15 harassment or intimidation took place -- let me get  
16 back to where there's not a specific incident  
17 recounted to you but an inspector tells you, as you  
18 say Mr. Dunham did on the 18th of August 1983, general  
19 information -- just generally that he feels the  
20 inspectors are being harassed and intimidated by  
21 the protective coatings applicators and their foremen  
22 and specific supervisors.

23 What did you understand your responsi-  
24 bilities to be in handling that kind of allegation  
25 of harassment or intimidation?

1           A.     I wouldn't perceive that to be an allega-  
2           tion. I'd perceive that to be a statement of  
3           conversation.

4           Q.     All right.

5           A.     And subsequently I would investigate to  
6           see if there was any substance to it.

7           Q.     Did you do that after Mr. Dunham and  
8           these other people talked to you following the meeting  
9           on August 18, 1983?

10          A.     Yes, sir, I did.

11          Q.     How did you go about investigating their  
12          complaint or allegation or whatever you want to call it?

13          A.     I observed, myself, the activities in the  
14          building, talked to other inspectors involved in the  
15          program, talked to foreman and/or superintendents  
16          involved in the activity.

17          Q.     Anything else?

18          A.     I didn't do a formal investigation and do  
19          a formal report, did not go to the letter files or  
20          anything looking for previous reports of that nature.

21                   My particular mode is low-key.

22          Q.     That's how you try to do things?

23          A.     I've found it to be more effective than a  
24          lot of noise.

25          Q.     All right. Now you say you observed



1 matters going on there in the building. Which building  
2 are we talking about?

3 A. The reactor building.

4 Q. And that's where these men were working  
5 at the time doing their inspections?

6 A. That's the only part of the program that's  
7 quality for protective coatings at Comanche Peak.

8 Q. What other inspectors did you talk to?

9 A. By name?

10 Q. Yes, sir.

11 A. Lannette Adams. Forgive me; I'm terrible  
12 on names. Margaret Lucky. I talked to an inspection  
13 supervisor, C. C. Randall.

14 Q. What's his position?

15 A. At that time he was the QC supervisor on  
16 second shift. I don't recall the names of any of the  
17 other inspectors I talked to.

18 Q. Did you talk to any of the protective  
19 coatings craft people?

20 A. Yes, sir.

21 Q. Who?

22 A. Jim Sandlin, the night shift superintendent.  
23 Junior Haley, the day shift superintendent. Some of  
24 the foremen I don't know by name specifically, just  
25 informal visit, "How's it going? What's happening?"

1 Q All right. Was that generally the nature  
2 of all of these conversations? That is, that you  
3 would just ask these inspectors or these crafts  
4 people, "How's it going? What's happening? Anything  
5 going on?"

6 A "Got any problems?"

7 Q Okay.

8 A "How's the rapport between yourself and  
9 the craft, or yourself and the inspectors?" A little  
10 more pointed with the superintendents.

11 Q In addition to talking to these individuals  
12 that you've described to us, did you do anything else  
13 to check out the statements that have been made to  
14 you by these inspectors following the meeting on the  
15 18th of August?

16 A In summary, I just conducted a low-key  
17 personal investigation talking to people, looking to  
18 see if there were problems.

19 Q All right. Now after you had done this  
20 low-key investigation, did you at some point get to  
21 meet back up with Mr. Dunham and engage in some  
22 discussion with him or with others about what you  
23 found?

24 A There was no specific dialog on the  
25 subject of harassment, threats or intimidation until

1 the meeting of, I believe August the 24th.

2 Q All right.

3 A Which was roughly a week later.

4 Q Did both you and Mr. Dunham attend that  
5 meeting?

6 A Yes, sir.

7 MR. WOLF: Excuse me. We should give  
8 some thought to when a break might be. And if you  
9 were thinking about getting into the meeting of  
10 August 24th, this might be an appropriate time.

11 MR. JACKS: That's fine with me, Jim.

12 MR. WOLF: I think since we're not going  
13 to be able to wrap it up within 15 or 20 minutes.

14 MR. JACKS: I think that's true. I'll  
15 do whatever you all want to do on breaks. I think  
16 that in this small a group, anybody that wants one  
17 gets one. This is as good a place for me to stop as  
18 any other.

19 MR. WALKER: It makes no difference to  
20 me. Do you have an estimate of about how much longer  
21 it's going to take?

22 MR. JACKS: I really don't.

23 MR. WALKER: The reason I ask is --

24 MR. JACKS: Yeah.

25 MR. WALKER: -- because if we could --

1 MR. JACKS: Yeah.

2 MR. WALKER: -- it would be nice to  
3 notify people who are going to show up at 1:00 o'clock  
4 that they won't be needed for some specific period of  
5 time.

6 MR. JACKS: Rick, I think you could  
7 safely tell them 2:00 o'clock and they might still  
8 have to cool their heels a little bit. Or we might  
9 have to cool our heels a little bit. But it would  
10 be less waiting time for them, certainly. And I --  
11 I wish I could give you a better idea than that, but  
12 I'm kind of making this up as I go along so it's hard  
13 for me to tell you exactly when it's going to end.

14 MR. WALKER: Do you -- are you scheduled  
15 to take someone else's deposition this afternoon?

16 MR. JACKS: I'm doing -- as I understand  
17 it, I'm doing Ronnie Johnson. I planned on doing  
18 Ronnie Johnson this morning and Curly this afternoon,  
19 and I -- I think Johnson is going to be a shorter  
20 witness.

21 MR. WALKER: I think we can go off the  
22 record.

23 MR. JACKS: Oh, yeah, we can. I'm sorry.

24 (Whereupon, at 12:42 p.m. the testimony  
25 broke for luncheon recess, to reconvene at 1:30 p.m.)

in the same location.)

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A F T E R N O O N   S E S S I O N

1:55 p.m.

1  
2  
3 BY MR. JACKS:

4           Q       Mr. Krisher, before our last break we were  
5 about to begin discussing a meeting at which both you  
6 and Mr. Dunham, as I understand it, were present that  
7 occurred on the 24th of August 1983.

8                    Let me ask you a few things about that  
9 meeting. First of all, where was it?

10           A       It was in the QC inspector's office  
11 trailer.

12           Q       Who called it?

13           A       The QC supervisor called the meeting.

14           Q       Was that Mr. Brandt?

15           A       Yes, sir.

16           Q       I get these titles mixed up. I don't  
17 mean to be repetitious. I just want to make sure  
18 I'm getting --

19           A       Yes, sir. It would have been Mr. Brandt.

20           Q       All right. What did you understand to be  
21 the purpose of that meeting?

22           A       Two of the engineers involved in the  
23 review of the coatings program worked for EBASCO.  
24 They had approached Mr. Brandt with the probability  
25 that discussions with the inspectors in a meeting

1 format relative to the changes that were going to  
2 take place in the program would resolve some of the  
3 concerns and possibly questions that inspectors had  
4 about what was happening in the program.

5 Q. Who were those two engineers?

6 A. Mr. Tom Kelley and Mr. Jerry Fertel.

7 Q. Who was there other than those gentlemen  
8 and yourself and Mr. Dunham?

9 A. All of the protective coatings inspectors  
10 that were on jobsite the day of that meeting, and  
11 their leads, and at one point their direct supervisor,  
12 Mr. Williams.

13 Q. At anytime during the course of that  
14 meeting, did the subject of harassment or intima-  
15 tion of inspectors come up?

16 A. Mr. Dunham attempted to bring it up a  
17 couple of times to the engineering representatives.  
18 They declined to comment. It was brought up again  
19 at the end of the meeting when I talked to the  
20 inspectors. I reported to them I had been investi-  
21 gating expressions of concern relative to that.

22 Q. All right. Now you said that Mr. Dunham  
23 attempted to bring it up a couple of times. That was  
24 during the course of the meeting itself, I take it.  
25 Is that right?

1           A.       In response, yes. In response to some  
2 information from the engineers, he would sway the  
3 conversation over to that particular point and other  
4 issues.

5           Q.       Now there was some further discussion  
6 between you and these two engineers. Did that take  
7 place after the meeting was concluded while you were  
8 still in the room, or did the comments that you made  
9 also take place during the general meeting?

10           MR. WALKER: Objection. The question  
11 assumes a fact that has not been established. And  
12 the fact, I believe, is that Mr. Krisher had a  
13 conversation with two engineers after the meeting.  
14 And I don't believe that was his testimony.

15           BY MR. JACKS:

16           Q.       Well your testimony was at the end of  
17 the meeting, to use your exact words, Mr. Krisher.  
18 I just need to know whether "at the end of the meet-  
19 ing" you mean before it broke up, while the meeting  
20 was still going on, or after it broke up, after the  
21 meeting had disbanded and you were still there in the  
22 room.

23                    I don't care which way it is. I just  
24 need to know which way it was.

25           A.       As the responsible senior supervisor,



1 it appeared the meeting was not accomplishing its  
2 purpose. It had been lengthy. There were needs for  
3 inspectors to return to their normal duties. I took  
4 the floor, indicating that the meeting had been long  
5 enough. We'd reached as many objections as we could  
6 at that length of time, talked to the inspectors in  
7 general and informed them that the inspection criteria  
8 would not change until the procedures were formally  
9 revised.

10 I informed them that I had understood  
11 that they were concerned about intimidation, threats,  
12 harassment, that I had been conducting an investiga-  
13 tion, that I hadn't concluded it. That up to date  
14 I had not found any substance to that.

15 I asked them to come forward with any  
16 specifics.

17 Q. And that summarizes your remarks on the  
18 matter?

19 A. At that time, yes, sir.

20 Q. All right. And those remarks were  
21 addressed to the group as a whole?

22 A. Yes, sir.

23 Q. Now, let me get back to the -- to an  
24 earlier point in the meeting where you say that Mr.  
25 Dunham made an effort to bring up the subject matter

1 of harassment or intimidation of inspectors, or at  
2 least steered discussion in that direction.

3 Let me ask you, at what point in the  
4 meeting he first introduced that subject, and what  
5 he said when he did so.

6 MR. WALKER: Let me note for the record  
7 again my objection to the question which, as I see  
8 it, without some qualification calls for the witness  
9 to provide an answer that would be hearsay.

10 BY MR. JACKS:

11 Q. You may go ahead and answer.

12 A. I don't recall the exact words or point  
13 in the meeting. I recall that twice at least during  
14 the meeting he attempted to inquire of these engineers  
15 if this was an intimidation, was this a result of  
16 intimidation.

17 Q. All right. When you say "he attempted  
18 to inquire was this intimidation," what is the "this"  
19 that's being spoken of?

20 A. The engineers were talking about changes  
21 in inspection, acceptance criteria as a result of  
22 changes in the procedure, in the specifications.  
23 At almost all points made by the engineering, Mr.  
24 Dunham expressed concern, was negative in his  
25 response, indicated to the engineers that weren't

1 they, in fact, collapsing to pressure by the part of  
2 management and construction, to modify the specifi-  
3 cation to allow less inspection, less stringent  
4 requirements, unwilling to accept any changes in the  
5 program in that weren't most of these changes as a  
6 result of problems in the field -- things he felt  
7 were totally unnecessary.

8 Q. And if I understood you, and correct me  
9 if I'm misunderstanding you, there were at least two  
10 occasions during the meeting where he raised such  
11 questions to the engineers as they were explaining  
12 these changes that you're talking about, is that  
13 right?

14 A. Those and other questions that they  
15 declined answers indicating that it was out of their  
16 scope of responsibility as only consultants to the  
17 project.

18 Q. In engaging in this exchange with the  
19 engineers that you've just described, did Mr. Dunham  
20 become abusive with them or begin calling them names  
21 or yelling at them or anything of that sort?

22 A. Are you asking me to describe Mr.  
23 Dunham's behavior at that meeting?

24 Q. I'm asking if his behavior was  
25 characterized by any of those things I've just

1 included in that question.

2 A. He made fun of the changes. He indicated  
3 that on all issues they were not required. That the  
4 problems with the program were the result of  
5 inexperienced applicators, a non-professional  
6 attitude on the approach of all parties involved.

7 Q. When you said he made fun of the changes.  
8 You mean that he cracked jokes about them or --

9 A. Yeah. He laughed about them a little.

10 Q. Well, tell me about that. What specifi-  
11 cally did he say that you thought was making fun of  
12 the changes that were being described by these two  
13 engineers?

14 A. Excuse me. Items that were being  
15 discussed were changes in total acceptance criteria  
16 going from individual specific millage to minimum  
17 millages of primer and other technical type changes  
18 which it would affect. When something of this  
19 nature was brought up, Mr. Dunham would react  
20 negatively with laughter: "Oh, you mean, we're  
21 doing that because the coaters can't put it on in a  
22 professional manner?"

23 He dominated the entire conversation  
24 with every comment made by either Mr. Kelly or Mr.  
25 Fertel. He fielded the question, had rebuttal,

1 indicated that among the comments that they weren't  
2 necessary. He had been a coatings foreman for six  
3 months, I believe, and had never had a reject.

4 And that the whole change was being  
5 mandated by the craft, and the engineers were  
6 compromising the integrity of the coating system  
7 based on pressures.

8 Q Did he -- well, let me come back to the  
9 question I asked before.

10 Did he use abusive language with these  
11 men or call them names or anything of that sort?

12 A Abusive language is part of construction  
13 activity, as I'm sure you're well aware of. There  
14 were occasions when he used what in polite society  
15 would be considered abusive language.

16 Q But not in the society of the construc-  
17 tion site where things are a little courser?

18 A In mixed company, in a formal meeting,  
19 it was a bit out of line, yes, sir.

20 Q All right. Can you give me any examples  
21 of things he said you thought were abusive language?

22 A That's been nine months ago. I would be  
23 creating as opposed to stating a fact if I told you  
24 exact words.

25 Q Fair enough. Did he, in making the

1 comments and expressing the opinions that you've  
2 described, make gestures with his hands in some way?  
3 If you remember.

4 A. I was -- I had arrived late. I was  
5 seated -- what -- slightly behind and to the side of  
6 the two engineers. And at every point in the conver-  
7 sation, Bill had either a vocal rebuttal or a  
8 physical gesture of what -- excuse my use of the  
9 English language -- refuting what was being said,  
10 a disclaimer.

11 Q. All right. Now, of course, the gentlemen  
12 who will read this transcript can't see you.

13 A. I understand.

14 Q. But when you describe his gesture, you  
15 kind of threw both of your hands up --

16 A. Oh, what the hell and --

17 Q. -- up and out at shoulder level, palms  
18 up, kind of --

19 A. I believe that --

20 Q. Is that the gesture you're describing?

21 A. Yes. I believe that one of my previous  
22 statements, I indicated it's the type of thing my  
23 young teenage daughter uses when she thinks what  
24 I'm saying is not necessarily appropriate.

25 Q. Now have you told me everything you can

1 recall about what Mr. Dunham said or what he did  
2 during the course of this meeting of August the 24th  
3 of 1983?

4 A. With only two exceptions that I can  
5 recall, Mr. Dunham interrupted all the other inter-  
6 faces by inspectors, took command of the situation,  
7 became the vocal point at which the information had  
8 to pass through or around in order for anybody else  
9 to participate.

10 Q. Is there anything else you can recall  
11 that Mr. Dunham did or that Mr. Dunham said at this  
12 meeting?

13 A. Not -- not specifically, no.

14 Q. Have you told me everything you can  
15 recall about what you said in your concluding remarks  
16 at the end of the meeting?

17 A. I mentioned that we had been at it quite  
18 awhile. I was sure there was work awaiting our  
19 return, indicated that the procedures would not --  
20 the inspection criteria would not change until the  
21 procedures, quality control procedures were changed  
22 reflecting new criteria.

23 There were two or three questions from  
24 the floor. I don't recall specifically what those  
25 were. I informed them that I had been looking into

1 concerns about craftsmen intimidation and threats.  
2 One of the inspectors asked a -- indicated that she  
3 had a specific problem in that area. And I indicated  
4 that we would take it up and talk about it immediately  
5 after that meeting.

6 Other than that, I don't recall any other  
7 comments that I made.

8 Q All right. Following the conclusion of  
9 that meeting, when did you next have any conversation  
10 with or any dealings with Mr. Dunham?

11 A The only direct interface I had with Mr.  
12 Dunham would have been on the 26th at the counseling  
13 session in Mr. Purdy's office.

14 Q Who called for this counseling session to  
15 take place?

16 A I reported that Mr. Dunham, who was a lead  
17 inspector in program reacted totally negative to the  
18 upcoming changes and that for him to be effective in  
19 that position, he needed to understand what was going  
20 on, why the changes would be made, were going to be  
21 made, were being made.

22 And I reported that information to my  
23 supervisor, Mr. Brandt, immediately upon my return to  
24 the office from that meeting.

25 Q So you reported it to Mr. Brandt on the



1 24th?

2 A. Yes, sir.

3 Q. The day that that meeting that we just  
4 talked about happened.

5 A. Yes, 30 minutes after the meeting broke  
6 up approximately.

7 Q. On the 24th, did you say anything to  
8 Dunham about what you thought about his conduct  
9 during the meeting?

10 A. No, sir, I didn't.

11 Q. Just went to Mr. Brandt, reported to him.

12 A. To indicate that I felt there was a  
13 problem with his attitude and behavior towards these  
14 changes and his response to the engineering informa-  
15 tion attempting to be disbursed among employees.

16 Q. Whose idea then was it to get Mr. Dunham  
17 to come in on the 26th for a counseling session?

18 A. The decision to counsel Mr. Dunham, I  
19 believe, was made on the 25th.

20 Q. By whom?

21 A. Mr. Purdy came in, who was Mr. Dunham's  
22 in-line supervisors at Brown & Root quality manager,  
23 came to Mr. Brandt's office to the best of my recol-  
24 lection sometime mid-morning on the 25th indicating  
25 that he had just come from Mr. Tolson's office and

1 understood we had a problem with one of his people.

2 Q Had you talked with Mr. Tolson about the  
3 Dunham affair before this time on the 25th?

4 A I don't think so. I think the only  
5 person that I mentioned the meeting of the 24th and  
6 Mr. Dunham's behavior at that meeting to was Mr.  
7 Brandt.

8 Q And then we come to the 25th when Mr. Purdy  
9 came to you and said that he had talked to Mr. Tolson  
10 and understood that there was a problem with Mr.  
11 Dunham, right?

12 A Yes, sir.

13 Q All right. And --

14 MR. WALKER: Just for the record, I don't  
15 believe I've quite accurately captured his testimony,  
16 that Mr. Purdy --

17 THE WITNESS: That's been a long time  
18 since --

19 MR. WALKER: I don't believe he testified  
20 that Mr. Purdy came to him.

21 THE WITNESS: He came to the office, Mr.  
22 Brandt's office.

23 BY MR. JACKS:

24 Q Were you there?

25 A Yes, sir.

1 Q All right. So he came to you and Mr.  
2 Brandt?

3 A We were having one of our many meetings  
4 with supervisors and leads of the protective coatings  
5 program, discussing the changes that were upcoming in  
6 existing problems. And Mr. Purdy arrived.

7 Q Who then determined that a counseling  
8 session should be set up for Mr. Dunham's benefit?

9 A As I recall, Mr. Purdy asked what the  
10 problem was. Mr. Brandt gave him a quick summary of  
11 the events as I had portrayed them from the meeting  
12 the day before.

13 It was briefly discussed. I concurred  
14 that Mr. Brandt's summary was accurate and the  
15 questions as to what was felt to be appropriate was  
16 possibly that counseling and maybe three days off  
17 without pay would get Mr. Dunham's attention on the  
18 program.

19 Q Was that decision then one that was  
20 arrived at jointly by the three of you -- you and Mr.  
21 Brandt and Mr. Purdy?

22 A I would say it was jointly. As the two  
23 senior representatives, probably Mr. Brandt and Mr.  
24 Purdy. And I agreed.

25 Q All right. Did you inform Mr. Dunham

1 that he was to come in on the 26th for this counseling  
2 session?

3 A. The counseling was to have taken place  
4 the afternoon of the 25th.

5 Q. Why didn't it?

6 A. Other commitments on the part of Mr.  
7 Purdy had him tied up. As a matter of fact, he was  
8 not even able to draft the counseling form. Other  
9 urgent pressing business just forced the delay.

10 Q. On the 26th, a meeting did take place,  
11 I gather, is that true -- the next day?

12 A. The counseling -- is that what you're --

13 Q. Yes, sir.

14 A. The counseling took place on the 26th at  
15 4:30, the earliest Mr. Purdy could get away from his  
16 other activities.

17 Q. Were you there when Mr. Dunham arrived?

18 A. Yes, sir, I was.

19 Q. Who else was present at that time?

20 A. Mr. Purdy and I were in the office, and  
21 Mr. Dunham was brought escorted to the office by  
22 Evert Mouser. Mouser, M-a-u--

23 Q. s-e-r?

24 A. -- s-e-r, I believe.

25 Q. Evert is E-v-e-r-t?

1 MR. WALKER: Actually, I believe it's  
2 M-o-u.

3 THE WITNESS: Is it "o-u"?

4 MR. WALKER: I think so.

5 MR. JACKS: I'd ask you to mark that  
6 document, please.

7 (Whereupon, the document above  
8 referred was marked Exhibit B  
9 for identification, and same  
10 is attached hereto.)

11 BY MR. JACKS:

12 Q You referred a moment ago to something  
13 you called a "counseling form," is that right?

14 A Yes, sir.

15 Q Is the document that's marked as Exhibit  
16 B, here in Room 42, to your deposition a copy of a  
17 counseling form respecting Mr. Dunham?

18 (Pause.)

19 A This is the standard Brown & Root  
20 Counseling and Guidance Report Form.

21 Q Is Exhibit B the form that had been  
22 filled out to deliver to Mr. Dunham on that day, the  
23 26th of August of 1983?

24 A Down through the handwritten statement  
25 midway on the page where -- is as I had prepared it

1 and submitted it to Mr. Purdy.

2 Q And whose handwriting appears --

3 A That's mine.

4 Q -- at the middle of the page?

5 A That's mine.

6 Q Following the --

7 A "If yes, explain."

8 Q All right.

9 A Yes, sir.

10 Q Would you read to me the handwritten  
11 words following the typewritten phrase, "If yes,  
12 explain"?

13 A "A sensitive program already being delayed  
14 by confusion."

15 Q All right. Was the typewritten informa-  
16 tion contained in the blanks following the words  
17 "Supervisor's Statement" language that you also  
18 drafted?

19 A Yes, sir.

20 Q And were you the one who provided the  
21 information under the heading "Reason for Conference,"  
22 that the reason for the conference was attitude?

23 A Yes, sir.

24 Q Once you had completed the typewritten  
25 information and the handwritten notation following

1 the "If yes, explain" part of the questionnaire,  
2 what have you done with this form? Did you give it  
3 to Mr. Purdy?

4 A. I handcarried it to Mr. Purdy's office  
5 at about a quarter after 4:00.

6 Q. On the 26th?

7 A. Yes, sir.

8 Q. Did he read it?

9 A. Yes, sir.

10 Q. Did he make any changes in what you had  
11 provided?

12 A. No, sir.

13 Q. Was it also you who filled in the blank  
14 "Re-evaluation Within" and the language 30 and 60  
15 days as indicated there?

16 A. That would appear to be my handwriting.  
17 I really don't recall.

18 Q. All right.

19 A. It was -- probably is. The intent was  
20 to only counsel the individual and try to find out  
21 why he was having so much difficulty with the changes  
22 in the program.

23 Q. Would you describe for me what occurred  
24 once Mr. Dunham, escorted by Mr. Mouser, arrived at  
25 the office?

1           A.     Gordon and I were talking about the  
2 general job when they arrived outside the closed  
3 door. And Mr. Purdy motioned them in. Bill entered  
4 in a seemingly good humor and made a "here I am" open  
5 arms gesture, "how can I help you" sort of a thing.

6           Mr. Dunham and Mr. Purdy exchanged a  
7 couple of pleasantries. They were -- he and Mr.  
8 Mouser were asked to be seated. Bill took a chair  
9 opposite me at the table with Mr. Purdy sitting at  
10 the end nearest his desk.

11           Mr. Mouser took a chair in the corner of  
12 the room.

13           Q.     What happened next?

14           A.     Mr. Purdy said something to the effect,  
15 "Bill, it seems like we've got a problem. I'd like  
16 you to take a look at this," and handed him the  
17 original of that form.

18           Q.     Exhibit B?

19           A.     Yes, sir.

20           Q.     What did Mr. Dunham do when handed the  
21 form by Mr. Purdy?

22           A.     He glanced at it for a few seconds, threw  
23 it back at Mr. Purdy across the table, became agitated,  
24 said, in essence, "No fucking way," or "No damn way.  
25 I'm not going to change. This is a bunch of crap."



1 He became both -- displayed both verbal and physical  
2 gestures of agitation, irritation with the situation.

3 Q Is that all you can recall of what he  
4 said at that time?

5 A At that particular moment, Mr. Purdy  
6 interrupted the outburst and asked him to settle  
7 down, take it easy. As a part of -- there were  
8 essentially three outbursts, three interchanges,  
9 okay, exchanges. And in all three of them, Mr.  
10 Dunham indicated that he wasn't going to change.

11 He wanted Purdy to get his money, in  
12 essence, saying, "I'm not going to put up with this.  
13 Get my check. I'm going to the house."

14 He indicated in one of the exchanges, at  
15 least, that he didn't need this job. He already had  
16 a job he could go to anytime he wanted to. And in  
17 one of the outbursts he indicated, "Don't forget I've  
18 got mine. And I'm going to use it. Just get me my  
19 money."

20 Q "Don't forget I've got mine," and "I'm  
21 going to use it"? Were those his words?

22 A At this late date I wouldn't -- wouldn't  
23 want to quote.

24 Q Did you know what he was talking about  
25 when he said whatever he said in that vein?

1 A. Not --

2 MR. WALKER: Objection. The question calls  
3 for the witness to engage in speculation, which I  
4 think is unnecessary and irrelevant.

5 BY MR. JACKS:

6 Q If you don't know, just say so. I'm  
7 asking you if you knew what he meant.

8 A. Not specifically, no, sir.

9 Q All right. Following the exchanges  
10 between Mr. Purdy and Mr. Dunham that you've just  
11 described, what was the next thing that occurred?

12 A. After the third exchange, Mr. Purdy said,  
13 "Is that what you want, Bill?" Mr. Dunham responded,  
14 "That's what I want."

15 Mr. Purdy indicated, "I can take care of  
16 that for you," abruptly rose from his chair, left  
17 the room for two or three moments -- I don't -- less  
18 than five seconds, came back in, took his hat off the  
19 wall, told Mr. Mouser and myself to take Mr. Dunham  
20 to his work area and collect his personal things and  
21 to meet he, Mr. Purdy, at the time office.

22 Q If I've understood your testimony, and  
23 correct me if I'm wrong, Mr. Dunham entered the office  
24 that afternoon on the 26th of August in a good mood  
25 and became inflamed when he looked at the document

1 that's now marked as Exhibit B. Is that a fair  
2 statement?

3 A. I'd say that's a fair assessment, yes,  
4 sir.

5 Q. Did he behave like a man who didn't like  
6 what he saw when he looked at that document?

7 A. That is the most explicit outburst that  
8 I've ever seen at a counseling session.

9 Q. He got pretty excited, didn't he?

10 A. Very agitated.

11 Q. Would it be fair to say, as you observed  
12 his behavior that afternoon, that he appeared to you  
13 to be a man who did not like and disagreed with what  
14 he saw when he looked at this Exhibit B?

15 A. If you're asking for my opinion --

16 Q. You were there and I wasn't, so that's --

17 A. Yes, sir, I understand that.

18 Q. Yeah.

19 A. I felt then and still feel now that he  
20 exhibited abnormal, excessive agitation, reluctance,  
21 total disregard for his direct in-line superior and  
22 for the formality of the counseling session.

23 Q. Well, again, did it appear to you as you  
24 sat there and watched this man look at this document  
25 and then toss it back across the table and deliver

1 the remarks that you said he said that day, did it  
2 appear to you that he strongly objected to what he  
3 saw when he looked at this document?

4 A. In my opinion, his reaction was not what  
5 was on the document so much as what the document was  
6 about.

7 Q. He saw something there he didn't like.  
8 Wouldn't you say that's a fair statement?

9 A. I don't think he even read it.

10 Q. So it's your testimony that he flew into  
11 this rage that you've described about a document he  
12 had not even read?

13 A. I do not believe Mr. Dunham read the  
14 document in its entirety.

15 Q. Do you think he read part of it?

16 A. At the outside, he had it for five  
17 seconds. Unless he had intimate knowledge as to what  
18 it contained, I don't see how he could have read it.

19 (Pause.)

20 Q. There is some handwritten information on  
21 Exhibit B that appears -- that appears mainly in the  
22 bottom right-hand quadrant of the page.

23 A. Yes, sir.

24 Q. And then there's also a brief notation  
25 on the left-hand side of the page directly under the

1 typewritten words "Employee's Statement."

2 A. Yes, sir.

3 Q. Do you see the two parts I'm talking  
4 about?

5 A. Yes, sir.

6 Q. Now did you write that or did somebody  
7 else?

8 A. Mr. Purdy made both those entries, as  
9 indicated by his signature and his initials.

10 Q. All right. Do you know about how long  
11 it was after the meeting when he made those notations?

12 A. No, sir, I don't.

13 Q. Those notes by Mr. Purdy state, and I'll  
14 quote a part of them and I'll ask you a question about  
15 them.

16 A. All right.

17 Q. After what appeared to be a quick perusal  
18 he, speaking of Mr. Dunham, threw it back at me and  
19 stated, "Fuck it. You might as well walk me to the  
20 gate because I'm not going to change."

21 I asked him, Mr. Dunham, if he did not  
22 want to discuss what I perceived only as an attitude  
23 problem. And he again replied that this, referring  
24 to the report, was the biggest problem and I will not  
25 sign the report.

1 I have my -- can you help me out on that  
2 word?

3 A. I have my -- oh, "ammo," a-m-m-o.

4 Q. I have my ammo and I have had enough,  
5 so you might as well walk me to the gate. Let me  
6 cut off right there and ask you whether those portions  
7 of what Mr. Purdy wrote accurately portray what Mr.  
8 Dunham said that afternoon.

9 A. To the best of my recollection, that's  
10 accurate.

11 Q. Now I believe we've gotten to the point  
12 in this session when you said that Mr. Purdy told you  
13 and Mr. Mouser to take Mr. Dunham to the time office  
14 and he'd meet you there. Did I get that right?

15 A. He told Mr. Mouser and I to take Mr.  
16 Dunham to his work area to collect his personal  
17 property, and that he would meet us at the time clock.

18 Q. That's right. All right. Now did you do  
19 just that -- accompany Mr. Dunham to his work area?

20 A. We went off the hill. It's a half mile  
21 walk, roughly. I indicated to Mr. Mouser to proceed  
22 with Mr. Dunham, and I started to go towards the time  
23 office and felt that there may be some confrontation  
24 in Mr. Dunham's agitated state at the trailer or in  
25 between. And I went to the trailer on the opposite

1 ends of a row of trailers. The trailers are parked  
2 this way. Mouser and Dunham went down this side, and  
3 I went down this side. I arrived two minutes, a minute  
4 and a half after they did at the trailer.

5 Q I'm sorry. I missed something in all of  
6 that. What I missed is why it was that you parted  
7 ways with --

8 A I was going to go to the time office and  
9 decided better of it, felt it was possibly imprudent  
10 to leave a singular lead in an acting supervisory  
11 position with an agitated employee, so I went to the  
12 trailer.

13 Q All right. So you started to go to the  
14 time office and then changed your mind and went on  
15 to the same trailer they were going to.

16 A Yes, sir.

17 Q But not walking in company with them.

18 A No, sir.

19 Q Was the trailer that you're referring to  
20 the place where he was to go to pick up his personal  
21 belongings?

22 A Yes, sir.

23 Q Did you go inside or did you wait outside?

24 A I went inside.

25 Q When you went inside the trailer, did any

MS/bm  
mgc-1

1 conversation take place between Dunham on the one  
2 hand and anyone else on the other hand?

3 A. Dunham was on his way to this desk when  
4 I came through the door. I don't remember if there  
5 was a lead-in question. Dunham made a statement,  
6 "Well, they finally got me," to one of the other  
7 people in the room.

8 There was some verbal exchanges, nothing  
9 that I -- contributed to major significance.

10 Q No confrontations or disputes broke out?

11 A No.

12 Q Where did you and Mr. Mouser and Mr.  
13 Dunham go once he had completed his business there  
14 in that trailer?

15 A. Bill put his personal things in a plastic  
16 sack. All three of us went out of the trailer onto  
17 a deck that connected the two trailers together,  
18 started away.

19 I told Everett to stay and settle down  
20 the troops, answer any questions, that I would escort  
21 Mr. Dunham to the time office.

22 Q Did you?

23 A. Yes, sir.

24 Q Did you and he engage in any conversation  
25 as you were walking either to the trailer or then



1 from the trailer on to the time office?

2 A. In his agitated mode, I did not say  
3 anything to him. He was taking extremely long strides.  
4 I essentially followed him a short distance back. At  
5 one point he turned to me and said, "You don't have to  
6 follow me. I know my way there."

7 I just ignored it. He stopped and spoke to  
8 another inspector. I didn't hear the exchange. It  
9 lasted less than a minute. He then proceeded to the  
10 time office.

11 I entered the time office directly behind  
12 him. When the time office personnel had collected  
13 his badge and his brass -- he was on the other side  
14 of the personnel gate from the plant access -- I left  
15 the room.

16 Q. Is that the last time you saw Mr. Dunham?

17 A. Prior to the -- That was the last time  
18 I saw Mr. Dunham prior to the Department of Labor  
19 trial.

20 Q. Did you make any statement to any of the  
21 other employees out there that day about whether  
22 Mr. Dunham had quit, or whether he was fired?

23 A. The counseling was at about 4:30. It was  
24 something -- a quarter after 5:00 when I left the  
25 time office. I came directly back to the QC manager's

1 office to report what had happened to him.

2 Mr. Purdy was already in the office. I  
3 indicated to the manager that I had escorted him to  
4 the gate, and he was in the process of being terminated.  
5 That was the only communication that I had with anybody  
6 else that I can recall on that day.

7 Q At any time following the exchange that  
8 took place in Mr. Purdy's office between Mr. Dunham  
9 and Mr. Purdy, did Mr. Dunham say anything to you about  
10 whether he considered himself to have been fired, or  
11 whether he considered himself to have quit voluntarily?

12 A I don't believe so. I don't think Mr.  
13 Dunham and I spoke.

14 Q If I've understood you -- and again, correct  
15 me if I'm wrong, Mr. Krisher -- Mr. Dunham never, ever  
16 communicated to you any information about any specific  
17 incident or event that he thought constituted harassment  
18 or intimidation; is that your testimony?

19 A To the best of my knowledge, Mr. Dunham  
20 did not in the two occasions that I had to exchange  
21 conversation with him give me any specifics toward any  
22 incidents of harassment, intimidation or threats.

23 Q And, again, I want to be sure I understand,  
24 and again I'll invite you to correct me if I have  
25 misunderstood your testimony -- but do I understand that

1 the only investigation in which you engaged of any remarks  
2 made to you by Mr. Dunham was the low key, informal  
3 conversations you had with individuals after the meeting  
4 that occurred on the 18th of August when you and Mr. Dunham  
5 had the first conversation you described to me, and before  
6 the meeting of the 24th of August with the two engineers,  
7 Mr. Kelley -- and the other man whose name I can't  
8 remember --

9 A Mr. Fertel.

10 Q Am I right about that?

11 MR. WALKER: I'll object to the question  
12 because I don't believe he has testified as to when that  
13 investigation was completed.

14 BY MR. JACKS:

15 Q Well, tell me.

16 A After Mr. Dunham's termination, I continued  
17 to investigate the expressed concern relative to threats  
18 and intimidation on the part of craft individuals towards  
19 the protective codings of QC inspectors.

20 Q All right. Is the investigation that you  
21 continued the one you've already described to me; that is,  
22 a low key investigation --

23 A Yes, sir.

24 Q -- just talking to different individuals?

25 A Looking for some substance to the concerns

1 expressed.

2 Q All right. And what you've told me is that  
3 you had some low key conversations with some of the other  
4 inspectors and then with some of the craft people and  
5 their supervisors?

6 A Yes.

7 Q And I just want to be sure that I understand  
8 that that's all the investigation you undertook, regardless  
9 of whether it was before Mr. Dunham's leaving or afterwards.  
10 Is there anything that you did by way of investigation that  
11 you haven't yet told me about?

12 A I continued to talk. I didn't find any  
13 specific instances. I found nobody who felt that they had  
14 been directly intimidated. Some of them when asked, "Did  
15 you think this sort of thing would be intimidation, or  
16 that sort of thing," no, I did not find any specific  
17 examples of harassment, intimidation or threats on the  
18 part of anyone relative to those inspectors.

19 Q Okay. I just want to be sure that you and I  
20 understand one another. What I understand is that the way  
21 you conducted that investigation was to engage in these  
22 low-key conversations that you've described to me.

23 A Very informal, strictly the normal thing that  
24 a supervisor of personnel at any level would do if a person  
25 came to him with a concern.

1           Q       Apart from the meetings that you attended on  
2 the 18th of August and the 24th of August, and the counseling  
3 session that you attended on the 26th of August, and the  
4 investigation that you've described of going around and  
5 having low-key conversation with certain individuals,  
6 have you had anything else to do with Mr. Dunham or with  
7 any investigation prompted by complaints or allegations  
8 that he made at any time? That's it. We've covered  
9 everything; is that true?

10           A       Relative to Mr. Dunham, I believe so.

11           Q       All right.

12           MR. WALKER: Your question, I presume, goes to  
13 on-the-job things, as opposed to preparation for  
14 litigation of the DOL proceeding and so forth?

15           MR. JACKS: Yes. I understand that you got  
16 involved once the Department of Labor began looking into  
17 the circumstances surrounding Mr. Dunham's termination;  
18 is that true?

19           THE WITNESS: Yes. I've made statements to both  
20 the NRC investigators, the Department of Labor. I've  
21 testified in a Department of Labor court proceedings  
22 relative to that termination.

23           BY MR. JACKS:

24           Q       None of that activity, as I understand it,  
25 involved any new investigative activity on your part; is

1 that true?

2 A. That's true.

3 Q. You just told them what you knew?

4 A. That's true.

5 Q. At the meeting that occurred on the 24th of  
6 August when Mr. Kelley and Mr. Fertel were present, did  
7 any of the inspectors who were there make any comments or  
8 complaints along the lines that they were not being  
9 permitted to write NCR's?

10 MR. WALKER: I'm going to object to the  
11 question again on hearsay grounds. The question and purpose  
12 for which the answer is sought is not limited. I would  
13 take the position that the answer to the question would  
14 be inadmissible.

15 MR. JACKS: You may answer, sir.

16 THE WITNESS: I don't believe that at that  
17 meeting questions or concerns were expressed relative to  
18 writing NCR's. No, sir, I don't.

19 BY MR. JACKS:

20 Q. Mr. Krisher, in October of 1983 did you have  
21 any conversations with a man named Tom Miller about concerns  
22 he had expressed regarding harassment or intimidation of  
23 inspectors?

24 MR. WALKER: Objection. The question assumes  
25 facts not in the record and would appear to call for an

1 answer that would be hearsay. And the purpose for which  
2 the question is asked is not limited.

3 BY MR. JACKS:

4 Q The question is: Did you have any conversations?  
5 Your answer, sir.

6 A I don't recall.

7 Q I had confined that question to October 1983.  
8 Let me simply ask whether you recall at any time having  
9 any conversations with Tom Miller relating to any  
10 allegations by him concerning harassment or intimidation.

11 MR. WALKER: The same objection. You may  
12 answer.

13 THE WITNESS: I have been involved with all  
14 of the activities that have gone on. I'm sure that at  
15 some point in time, as a part of some activity, I have  
16 interfaced with Mr. Miller. Specifics I don't recall at  
17 this moment.

18 BY MR. JACKS:

19 Q Do you know a man named David Finn?

20 A Yes, I do.

21 Q Has Mr. Finn ever made any allegations to  
22 you that he felt that he had been harassed or intimidated  
23 in the performance --

24 MR. WALKER: Objection, hearsay. You may  
25 answer.

1 THE WITNESS: Approximately three weeks ago  
2 Mr. Finn came to me and indicated that he had had a minor  
3 confrontation with an individual and that he was concerned  
4 as to the purpose and/or the intent of that conversation.

5 BY MR. JACKS:

6 Q Can you be more specific about what he said  
7 had happened and who he said had done what to him?

8 MR. WALKER: The same objection. You may  
9 answer.

10 THE WITNESS: Mr. Finn indicated that he had  
11 been in the administrative -- administration building,  
12 men's room when Mr. Bob Murray asked him how many  
13 inspections he had done up to that point in time.

14 David indicated that he had done -- I don't  
15 know the number. Mr. Murray responded, "Well, maybe you  
16 haven't done enough to qualify to be over here."

17 BY MR. JACKS:

18 Q Do you all have any regulations out there  
19 about how many inspections a man has got to do before  
20 he goes to the bathroom?

21 A No, sir.

22 Q What did you do when Mr. Finn told you about  
23 this incident?

24 A We discussed the situation, the mode, the  
25 tone. I advised him that if he felt it had upset him, it



1 was restricted in any way, that he had the right to and  
2 in all probability should pursue one of two or three  
3 avenues that were open to him: Go to Mr. Grier and talk  
4 about the problem, interface with Mr. Hicks as my  
5 immediate superior; or if he felt it warranted, contact  
6 the NRC resident or call the hot line Dallas and talk to  
7 the utility manager.

8 Q Do you know which, if any, of those courses  
9 he undertook to pursue?

10 A Yes. He chose to go talk to Mr. Boyce  
11 Grier?

12 Q Mr. Boyce Grier?

13 A Yes.

14 Q G-r-i-e-r?

15 A I believe that's right, yes, sir.

16 Q Did you undertake any investigation yourself,  
17 such as the informal, kind of low key conversations you've  
18 talked about?

19 A As there were only two people involved -- and  
20 Mr. Finn had indicated he would go talk to Mr. Grier --  
21 I did not pursue it. I did advise my superiors that the  
22 incident had taken place.

23 Q Do you know anything about what has come of  
24 that?

25 A I have been advised that Mr. Murray has been

1       chastised by his superiors, namely, Mr. Spence, Mr.  
2       Fikar -- that he is to minimize his communications to the  
3       inspectors, to interface through the leads and/or the  
4       supervisors.

5               Q       We've talked about Mr. Dunham at some length  
6       and Mr. Finn at not much length, let me ask you whether  
7       or not any other inspectors have reported to you incidents  
8       that they believed constitute harassment.

9               MR. WALKER: Let me for the record again  
10       interpose --

11              MR. JACKS: Why don't you let me finish my  
12       question before you start objecting to it.

13              MR. WALKER: Okay.

14              MR. JACKS: -- harassment or intimidation in  
15       the performance of their duties.

16              Now, you can object.

17              MR. WALKER: For the record let me interpose  
18       again my hearsay objection. If the purpose for the question  
19       is not limited, it's my position that the answer would not  
20       be admissible.

21              You may answer.

22              THE WITNESS: There have been numerous  
23       expressions of concern with day-to-day activity. Of those  
24       expressed concerns, I believe that four -- including Mr.  
25       Finn's -- have been elevated to the office of Mr. Grier.

BY MR. JACKS:

1  
2 Q Can you tell me which others have been  
3 elevated to the office of Mr. Grier?

4 A In about January Mr. Bill Perlaki,  
5 P-e-r-l-a-k-i; in June a Mr. Eddie Neidienecken,  
6 N-e-i-d-i-e-n-e-c-k-e-n -- I think; and in the first week  
7 in July or the last week in June, Mr. Doug Hundley,  
8 H-u-n-d-l-e-y.

9 Q All right. In each of those cases were the  
10 allegations made to you, to begin with?

11 A I was in none of those cases the first  
12 individual contact.

13 Q Would you tell me with respect to each of  
14 those three gentlemen what role you played in the process  
15 regarding any allegations they made about harassment or  
16 intimidation. Let's start with Mr. Perlaki.

17 A I have a standing order with my leads that  
18 any concerns expressed by inspectors relative to  
19 harassment, intimidation or threats on the part of anybody  
20 will be brought to my attention.

21 In all items brought to my attention, I  
22 request that the individual come in and we talk about  
23 it.

24 In Mr. Perlaki's case, we discussed the events  
25 and the situation. I explained to him the communications

1 that were available to him to express his concerns, to  
2 include the NRC, the hot line, upper management, utility  
3 management at any level, and Mr. Grier.

4 He chose to go address the details of his  
5 concern to Mr. Grier, after he had given them to me.

6 That's essentially the same scenario for all  
7 three individuals.

8 Q All of them came to you after having first  
9 talked to the particular lead involved?

10 A Yes, sir.

11 Q What was Mr. Perlaki's allegation?

12 A He was concerned that he may have been  
13 confused and/or misled as to what was the acceptance  
14 criteria relative to a specific inspection.

15 Q What kind of inspection in particular was he  
16 concerned about?

17 A Protective coatings, preparation of a piece of  
18 checkerplate preparatory to the finish coat.

19 Q Was that purely a technical inquiry on his  
20 part, or did he believe he had been harassed or intimidated  
21 in some way?

22 MR. WALKER: Objection. I'm not sure the  
23 witness is in a position to know what Mr. Perlaki  
24 believed.

25 /

BY MR. JACKS:

Q. What did he tell you he believed?

A. There was --

MR. WALKER: I'll object to that question, again on hearsay grounds. You may answer.

THE WITNESS: -- at that point in time a pending change in the preparation of previously applied damage coating preparatory to the finish coat. There were debates in the field going on between quality engineers, foremen, superintendents, engineers.

Mr. Perlaki was in the area performing an inspection during one of those debates. He inadvertently applied to the inspection in process what the engineers were indicating they were going to do to the procedures.

He, therefore, felt he may have accepted something that was not in accordance with his procedures.

He felt that maybe he had been pressured into it. I don't have a -- I've not seen the findings as a result of the investigation by Mr. Grier.

Mr. Perlaki wrote an NCR to cover that situation.

BY MR. JACKS:

Q. What did Mr. Doug Hundley allege to you to be his concern about harassment or intimidation?

MR. WALKER: Once again, I'll have to interpose

1 a hearsay objection. You may answer.

2 THE WITNESS: Mr. Hundley was involved in an  
3 inspection, and the building manager leaned over his  
4 shoulder, reached down to the object and indicated to Mr.  
5 Hundley that he certainly couldn't have a problem with the  
6 quality of that.

7 He -- Mr. Murray -- didn't see any problem  
8 with it. Mr. Hundley felt that Mr. Murray was interfering  
9 in his inspection activity.

10 BY MR. JACKS:

11 Q Did you give Mr. Hundley the same advice  
12 that you gave the other individuals that we've talked  
13 about?

14 A Yes, sir, I did.

15 Q That is, telling him which avenues were open  
16 to him. He could go to Mr. Grier, he could go to  
17 utility management, or to the NRC, or he could call the  
18 hot line?

19 A That's right.

20 Q Did you become involved any further in any  
21 later processing or investigation of that allegation?

22 A I inquired of a couple of individuals that  
23 were present at the time as to what had went on. I found  
24 that Mr. Hundley's statement was essentially correct.

25 I further understand that Mr. Murray has been

1 again directed as to what his activities and/or interface  
2 relative to inspectors and inspection activities will  
3 be.

4 Q What did Mr. Neidienecken tell you was his  
5 concern about harassment or intimidation in the  
6 performance of his duties?

7 A Mr. Neidienecken --

8 MR. WALKER: For the record, let me again  
9 interpose a continuing hearsay objection. You may  
10 answer.

11 THE WITNESS: Mr. Neidienecken came to one of  
12 the leaders and indicated that he was being directed as  
13 to where and when to make his inspections by supervisory  
14 personnel not in the QC department.

15 I was not on the job site that day. My  
16 alternate, Mr. Mickey Finn, addressed the situation, both  
17 to mine and his superiors.

18 Mr. Neidienecken went to Mr. Grier with his  
19 complaint.

20 BY MR. JACKS:

21 Q Now, I believe -- and please correct me if I  
22 misunderstood you -- that those four gentlemen: Mr.  
23 Finn, Mr. Perlaki, Mr. Neidienecken and Mr. Hundley -- are  
24 the only four in your recollection where any kind of  
25 formal investigation by those up the line from you -- Mr.

1 Grier nowadays, or before that, Mr. Brant, has been  
2 undertaken; is that a correct characterization of your  
3 recollection of the matter?

4 A. For classification, Mr. Grier is not in my  
5 reporting hierarchy. To the best of my understanding he  
6 is a neutral consultant under contract to the owner to  
7 investigate, advise on situations relative to threats  
8 and intimidation.

9 Those are the only four instances that I  
10 recall that have not been addressed in the field that  
11 were essentially something more than just the normal  
12 "You're picking on me today. How come?" inspector/foreman  
13 relationship.

14 Q. Were all the other normal "You're picking on  
15 me today" types of problems problems that you worked out  
16 or that somebody worked out by this informal low-key  
17 approach you've described?

18 A. Yes, sir To the best of my knowledge they  
19 were. The individuals having the concerns were always  
20 given the option to elevate it to whatever level they felt  
21 was appropriate and to utilize all levels if they didn't  
22 get satisfaction at any one of the other levels.

23 Q. Mr. Krisher, except where you've told me that  
24 you do not understand one of my questions and have asked  
25 me to restate it or rephrase it, have you otherwise



COTTON CONTENT

1 understood the questions that I have asked you today?

2 A. I believe so.

3 Q. Where you have asked me to repeat a question or  
4 run it by you again, have I got it to a point where it  
5 made sense?

6 A. Yes, sir.

7 Q. Have I treated you in a courteous and profes-  
8 sional way today?

9 A. Yes, sir.

10 MR. JACKS: I don't have any more questions  
11 right now. Thank you.

(Recess.)

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CERTIFIED QUESTIONS

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Page 37,017, Lines 8 through 16:

Q All right. Do you understand that my question is: "Did Mr. Dunham say to you which crafts or which groups he thought were involved in harassment or intimidation?" Did you understand that to be my question?

A Yes, sir, I do.

Q Do you refuse to answer?

A On advice of counsel, I decline to answer.

Page 37,017, Lines 21 through 23:

Q Did Mr. Dunham mention any names of people who he thought had done the harassing or the intimidating?

Page 37,018, Lines 2 through 4:

Q Do you refuse to answer?

A For the same reason as the previous question.

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EXAMINATION

BY MR. WOLF:

Q Mr. Kirsher, my name is James Wolf. I am here on behalf of the NRC today, and I have been listening to your testimony. And I will try to avoid going over, as much as possible, the ground that you have already covered.

But there are a number of points, some of which are related and some are unrelated, which I would like to invite your response to.

Could we begin a little bit by talking about the organization at CP and your position in it, particularly your employment there? But it would be very helpful if you would outline, particularly for the period of August 1982 -- July and August 1983 -- the structure of the organization as it related to the functions you're engaged in in the events that we discussed here.

In part, would you identify some of these people who have been referred to on the record are? I think you testified that you were originally employed as a mechanical engineer in welding at --

A Quality engineer, yes, sir.

Q Quality engineer, as a welder. And that would have been about when?

A January the 2nd, 1983.

Q And at that time, you would have had no

1 responsibility whatsoever with respect -- the catalogue  
2 program?

3 A That is true.

4 Q And then you testified around June of 1983 you  
5 were assigned a new responsibility. And would you explain  
6 what that was?

7 A I was assigned -- supervisor of all the quality  
8 engineering efforts on the non-ASME portion of the Comanche  
9 Peak program.

10 Q All right.

11 Now, for a non-engineer, such as me, would you  
12 describe what particular areas of technical activity you  
13 would have responsibility for quality control of?

14 A As a quality engineer -- the quality engineering  
15 responsibilities are to review changes in construction  
16 procedures for compliance to specification, to develop the  
17 quality control procedures that reflect the inspection  
18 attributes outlined in the specification, to assure that the  
19 quality product meets the requirement specification  
20 responsible for the training of inspectors and changes to  
21 existing procedures and the training and certification of  
22 new inspectors and new activities.

23 Q Is a correct characterization to say that with  
24 respect to the technical area, the non-ASME areas, which I  
25 would like you tied in, to know what they are --

1 A Yes, sir.

2 Q -- that the personnel responsible for the  
3 inspection and quality control functions would be reporting  
4 to you; is that what you're telling me?

5 A Of the quality engineering supervisors, they  
6 would not report to me. They still reported to their  
7 supervisor, who, in turn, reported to Mr. Brendt. When  
8 Mr. Brendt was absent from the job site, I was the designated  
9 replacement to act on his behalf, whether he was tied up in  
10 other activities or was unavailable at times to make  
11 decisions, to approve and sign modifications, to instructions,  
12 a normal delegated replacement activity.

13 Q I'm sorry, because I sidetracked you. We were  
14 still in June '83, and there was another change of  
15 responsibility. And I don't know whether I've taken you  
16 into the new position yet or not.

17 A Two distinct responsibilities, Jim, quality  
18 engineering, the supervisor, and quality control supervisor  
19 are not necessarily the same person.

20 At some point in time -- I think July -- I could  
21 be off -- I was designated to hold both positions. During  
22 the time preceding that appointment, I acted in both  
23 positions when Mr. Brendt was no longer on the job site.

24 Q But after you received the second position and  
25 you were in a line position, the supervisory responsibility

1 with respect to the activities of the quality control  
2 personnel?

3 A That is correct.

4 Q And you referred to the non-ASME functions.  
5 What is the scope of the non-ASME functions?

6 A Instrumentation, electrical, protective coatings,  
7 civil, and non-ASME piping in structural mechanical  
8 activities.

9 Q Before you joined the Comanche Peak project, the  
10 resume that was included in a previous exhibit indicated  
11 that you had responsibilities at another nuclear power plant.

12 That was a line responsibility, was it, for  
13 actual construction work in these areas that you're talking  
14 about here?

15 A I was hired by Virginia Electric Power Company  
16 as a supervisory superintendent of mechanical construction,  
17 yes, sir.

18 Q And mechanical construction would include all of  
19 the activities you just identified?

20 A No, sir. It would have included the ASME piping  
21 systems, the tankage, the structural steel activities, items  
22 described -- disciplined as pipe fitter, boiler maker, iron  
23 worker type activities.

24 Q Have you ever had any experience prior to coming  
25 to Comanche Peak in the area of coatings programs or that

1 technology?

2 A I was certified by the Department of Energy  
3 about 10 or 12 years ago, roughly -- I wouldn't want to go on  
4 record as the exact date -- to do inspections with coatings.

5 Prior to that, as an engineering technician and  
6 supervisor of maintenance, I was involved in protective  
7 coatings of both concrete and steel structures involving  
8 radiation protection and decontamination to the Department  
9 of Energy and the AEC.

10 Q And you were employed at Comanche Peak during  
11 the entire time that we're talking about here in 1983 by  
12 EBASCO; is that correct?

13 A I came to Comanche Peak as an EBASCO employee.  
14 I am still an EBASCO employee.

15 Q What is the responsibility of EBASCO at Comanche  
16 Peak?

17 A We are a subcontractor to the utility to provide  
18 technical services in both quality engineering and other  
19 services as requested by the utility.

20 Q You say you were a subcontractor. Does that  
21 mean there is a prime contractor? To whom --

22 A No, it's a direct line. Our contract is with the  
23 utility.

24 Q So, it is not a contract with Brown & Root?

25 A No, sir, it is not Brown & Root. It's a direct

1 contract with the utility.

2 Q Now, in this construction project, the  
3 construction project is the responsibility -- was that  
4 Brown & Reed that was building the plant at that --

5 A To the best of my knowledge, all construction  
6 forces work for Brown & Root, excluding certain specialty  
7 subcontractors like fire protection or possibly Westinghouse,  
8 relative to the reactor and supporting activities.

9 Q Now, are any of the individuals whose names have  
10 been referred to so far today been employees of Brown & Root?

11 A Yes, sir, they have.

12 Q And in addition to the -- are the crafts people,  
13 Brown & Root employees, for example?

14 A Yes, sir. Essentially all the craft people are  
15 Brown & Root, yes.

16 Q But in addition to the crafts people, are any of  
17 the supervisory people who have been mentioned Brown & Root  
18 personnel?

19 A The --

20 Q Well, let me withdraw the question.

21 Mr. Purdy -- he works for whom?

22 A Mr. Purdy is salaried by Brown & Root.

23 Q And what is Mr. Purdy's responsibility as you  
24 understand it -- his title?

25 A He is the ASME QAC manager for Brown & Root.



1 Q Would he also have responsibility for the  
2 non-ASME QA/QC?

3 A His responsibility for the non-ASME people would  
4 only be as the senior Brown & Root quality representative  
5 in matters of salary, discipline, just as I, as an EBASCO  
6 employee, report to Mr. Brendt in whatever position he may  
7 be on the job site. He is the senior EBASCO quality  
8 individual. He administers salary and corporate company  
9 policy, vacations.

10 Q All right.

11 Now, who would be the responsible Brown & Root  
12 official, if there is one, for QA/QC in the non-ASME  
13 activities at the plant?

14 A There is not.

15 Q There is not?

16 But that was an EBASCO -- no?

17 A It is considered a TUGCO QC organization. It is  
18 composed of EBASCO, Brown & Root and other individuals,  
19 possibly supplied by shops, including Southwest Lab out of  
20 Dallas-Ft. Worth.

21 Q Is there a single senior official who is in  
22 charge of the QA/QC organization?

23 A Currently, the senior QC representative is  
24 Mr. Vega. He is designated as the QC manager for the entire  
25 site. Mr. Purdy works for him -- on the ASME side.

1 Mr. Dan Hicks reports to Mr. Vega and is my immediate  
2 supervisor on the non-ASME side.

3 Q Mr. Hicks, however, was not on the site at the  
4 time of August 1983; is that correct?

5 A He was on-site, but not in the quality  
6 organization.

7 Q And who was in that position at that time?

8 A Tom Brendt.

9 Q Tom Brendt?

10 A Yes.

11 Q And he was your direct supervisor?

12 A Yes, sir.

13 Q In the conduct of the procedure -- well, in the  
14 QA/QC program, there are, as I understand it -- or at least  
15 I've heard reference today to acceptance criteria, and I  
16 believe I also heard references to inspection procedures; is  
17 that correct?

18 A Yes, sir, that is correct.

19 Q And these acceptance criteria are -- how are they  
20 documented?

21 A The procedures contain what we call QIQPs,  
22 Quality Instruction Quality Procedures, containing the  
23 acceptance criteria and the instructions as to how to make  
24 that inspection a method in which to document the inspection.

25 Q And I assume that there are numbers for each

1 different procedure?

2 A Yes. 11.4 is for protective coatings, with other  
3 sub-numbers defining whether it is steel or concrete or other  
4 shop procedure, whatever it is.

5 Q And as of July 1983, there were a certain set  
6 of procedures and acceptance criteria in existence.

7 And apparently -- and correct me if I misunder-  
8 stood -- that at the meeting of August the 18th, the purpose  
9 of the meeting was to present changes in the coding programs  
10 and solicit resolutions to problems that people might have.

11 Now, those are just my notes that I wrote at the  
12 time.

13 I would like to see if I can understand better  
14 what was going on.

15 A The task force, engineering task force that had  
16 been established, which was comprised of the two  
17 individuals from EBASCO, the corrosion engineering people,  
18 and several other employers, all of whom I don't know, to  
19 review the specification as it existed in July-August of '83,  
20 to make recommendations to make it more in line with other  
21 approved nuclear coatings procedures, to make engineering  
22 changes based on new information, DBA testing, possibly even  
23 changes in the federal requirements.

24 I'm just trying to fill you in on what was  
25 going on, some of it -- not specific -- some of it is just

1       supposition on my part -- that would -- we were currently,  
2       as an example, requiring a certain minimum-maximum of  
3       cesium-11 or zine primer.

4               DBA testing had shown that those millages could vary  
5       substantially from what was currently being required,  
6       provided the total system did not exceed a certain millage.  
7       And these were the types of things that were being explored.

8               And at the time of the meeting in August, were pretty  
9       well formulated.

10              The meeting on the 18th was to advise both the craft  
11       and the QC unilaterally that there were going to be some  
12       upcoming changes, to ask them if there were things that they  
13       felt should and could be changed that would make the program  
14       more viable, less restrictive at points, normal activities  
15       involving the instruction.

16              The meeting of the 24th was --

17              Q       Let me stop there.

18              Was there a set of recommendations that have  
19       been prepared by these engineers prior to the 18th of August?

20  
21  
22  
23  
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1           A       Yes, sir, I believe so. The engineering  
2 manager spoke to the group and discussed in generalities  
3 the changes that he thought would be forthcoming as a  
4 result of this study.

5           Q       Had those changes -- had you seen those  
6 changes in advance of the meeting?

7           A       I had not, no, sir.

8           Q       Did you say that at that meeting the  
9 engineering -- the engineers or their supervisors  
10 indicated that these further changes that were under  
11 consideration or were going to be made or what was  
12 the --

13          A       Essentially under consideration and that  
14 some of them had been reviewed and fine tuned to the  
15 point that they felt they would soon be incorporated.

16          Q       And this meeting was attended by the  
17 inspectors as well as the crafts people, is that  
18 correct, or what level of --

19          A       A craft foreman and above, and all  
20 inspectors were invited.

21          Q       And was there any discussion at that  
22 meeting to indicate that these were changes that  
23 were subject to review by -- from the quality  
24 control point of view and so they should only be  
25 regarded as tentative?

1           A       As a part of my presentation at the 18th  
2 meeting, I made it clear at that meeting that while  
3 the specifications may be revised and the construction  
4 procedures may be revised as a result of that, that  
5 the acceptance criteria would remain the same until  
6 the quality procedures were changed to reflect those  
7 new requirements, be they more stringent or more  
8 relaxed or modified in any way.

9           Q       So that as of the close of that meeting on  
10 the 18th, the principal people on the site were aware  
11 that certain changes were under consideration, that  
12 they were also aware that for the present nothing was  
13 to change as to the way they were to carry out their  
14 respective responsibilities?

15          A       I think the purpose of the meeting was to  
16 early advise people that there would be some upcoming  
17 changes and that they needed to begin to get flexible  
18 in their thought process and to recognize that when  
19 the changes took place, it could be as equally non-  
20 confirming to do business in the old manner to the  
21 new criteria as it would be to do business to the  
22 new criteria prior to its being issued just to generate  
23 a little open-mindedness, that they'd been doing  
24 business this same way for many months. And when  
25 you change a program, sometimes it takes a while to

1 get the people --

2 Q Were the people in attendance at the meeting  
3 solicited to react to the changes and make suggestions  
4 as to any problems they might see in respect to these  
5 changes?

6 A Myself, an engineering manager, and I believe  
7 the construction manager asked for conversation at the  
8 meeting if anybody had any ideas to bring forth now,  
9 or if they felt better, to take them to their appro-  
10 priate supervisor, to drop by, advise somebody, of  
11 any positive things they felt would help the program.

12 Q About how long did this meeting last?

13 A Something around an hour, maybe forty-five  
14 minutes to an hour, roughly. There were approximately  
15 six or seven people who spoke at the meeting.

16 Q And if an inspector learned for the first  
17 time about a change that was under consideration which,  
18 from his experience, would seem to implicate some  
19 matter of potential safety concern, that he has had  
20 an opportunity to have raised that concern and seek  
21 clarification of it at that meeting?

22 A He could have voiced his concern there. I  
23 also asked him to come talk to me to -- I guess --  
24 Comanche Peak has one of the most open-door policies  
25 of any project I've ever been on. It is not uncommon

1           for me, if I have a question and/or a need, to go to  
2           managers at all levels, including the vice president  
3           who is currently in residence out there.

4           Q        The changes that you're talking about that  
5           were being discussed at that meeting, did they  
6           represent massive changes in the procedures in the  
7           acceptance criteria in terms of lots of new pages,  
8           or are we talking about some quite specific, well-  
9           identified changes they were concerned about?

10          A        Without reference, Jim, I would not like  
11          to lead you astray or to make false testimony to you.  
12          Things that I believe are in it are the change from  
13          -- in areas adjacent in welds from an SP-10 to an  
14          SP-6. That's a degree of cleanliness. Removal of  
15          mill scale, discoloration in scale, the change in the  
16          millage requirements for the primer, and the change  
17          in the millage requirement for the top coat, yet the  
18          system had to thaw within a certain set of lines.  
19          That type of change. It was not any major change.  
20          It wasn't a new procedure. It essentially redefined  
21          numerical acceptance criteria.

22          Q        What I'm getting at is that one could, if  
23          I understand what you're saying, and correct me if  
24          I'm wrong, go to the blackboard at this meeting, if  
25          there were a blackboard, and without all of the fine



1 print that would be needed to actually implement it,  
2 one could write down on the blackboard in no more than,  
3 say, ten fairly concise headings some quite specific  
4 changes that were under consideration --

5 A I think that's a true statement.

6 Q So that the inspectors, as well as the  
7 foremen, would have a sense of the changes that were  
8 being talked about?

9 A I think that's a true statement.

10 Q I believe you testified that Mr. Dunham did  
11 come to you after the meeting. Did any of the other  
12 inspectors come to you after the meeting?

13 A It was a very rainy day outside, I mean,  
14 really rainy.

15 Q I don't mean necessarily right after the  
16 meeting, but to discuss with you the substance of  
17 the changes.

18 A No, sir.

19 Q On the 24th of August, there was another  
20 meeting. In the interval between these two meetings,  
21 had you reviewed the changes from the perspective of  
22 your responsibilities? In other words, I think you  
23 said that you were not familiar with the specific  
24 changes that were going to be presented at the meeting  
25 on August the 18th, so that I understand that you

1 really learned specifically of what might be changed  
2 at that time, is that correct?

3 A That's true.

4 Q And did you do any kind of analyses between  
5 the 18th and the 24th of August as to whether or not  
6 these changes were appropriate from your perspective,  
7 or what was your -- you may be having difficulty because  
8 I don't understand your responsibility precisely.

9 A Number one, the changes had not yet been  
10 made to specification. There is not, in the Comanche  
11 Peak program, an engineering quality assurance such as  
12 what I think you were talking about. The specifica-  
13 tion is the responsibility of the designer. It goes  
14 through the design review group. The site quality  
15 engineering quality assurance department does not have  
16 approval review of that change.

17 Q So it would not have been your responsi-  
18 bility to counsel against a change if there appeared  
19 to be potential problems with its implementation from  
20 a safety point of view? That wouldn't be your  
21 responsibility to raise that issue, is that correct?

22 A The responsibility of my position, that  
23 would not have been a responsibility. Normally I  
24 interface with engineers relative to changes they're  
25 going to make to specifications, but I don't have

1 review approval -- I did not have.

2 Q I don't know what this millage is all about,  
3 but let's take that for an example.

4 If the millage were to change, the engineers  
5 would do the studies that they deemed necessary, and  
6 if, in their judgment, in accordance with their  
7 procedures, they determined it was appropriate, there  
8 would be a change in the acceptance criteria in the  
9 inspection procedures initiated and implemented at the  
10 direction of the engineers, is that correct?

11 A Only if they changed the specification.

12 Q Which they had the authority to do, so for --

13 A With the concurrence of Gibbs & Hill, the  
14 designer. And ultimate responsibility for the design  
15 of all phases of the plant, they do a design review.

16 Q All right. Now, at the meeting of the  
17 24th, did the engineers at that time say these are  
18 changes that will be implemented? Was that the way  
19 it was essentially?

20 A As I recall, it was, "These are the changes  
21 that we have recommended. These are the changes that  
22 are currently under review by the design review and  
23 approval group, and in all probability will create  
24 a change in your inspection criteria."

25 Q But there was no formal role, no required

1           role for your group to approve? You didn't have a  
2           concurrence role of responsibility?

3           A       No, sir.

4           Q       You have talked about the open-door policy.  
5           How does the open-door policy apply to persons who  
6           might have concerns, safety-related concerns about  
7           some activity that are outside of their area of  
8           formal responsibility?

9           A       Wide open. I hear from ASME inspectors  
10          who I have no supervisory authority for about problems  
11          in electrical, problems in non-ASME mechanical. I  
12          hear problems from my inspectors about ASME problems.

13          Q       Are there site procedures or documents or  
14          memoranda that have wide distribution that the  
15          inspectors would be aware of, advising them that if  
16          they have any questions related to matters of sound  
17          construction practice or having safety implications,  
18          where they might go to raise these issues with manage-  
19          ment?

20          A       The standard NRC --

21          Q       Form 3.

22          A       The forms that appear on the bulletin  
23          boards in a multitude of areas. Utility senior  
24          management, including Mr. Spence, Mr. Fikar and Mr.  
25          Merritt, have published memorandums widely circled --

1           circulated. They're also posted on the bulletin  
2           boards. There have been mailers put out. There  
3           are decals stuck up about the job site on the doors  
4           to offices. Some people wear them on their hats  
5           indicating that quality is your job and everybody's  
6           job.

7           Q           All right. On the 24th at the meeting,  
8           each of these changes was identified by the engineer  
9           at the meeting at which Mr. Dunham was present?

10          A           They tried to go through the changes.  
11          They were not successful in getting through the  
12          last.

13          Q           Were they not successful because of the  
14          interruptions?

15          A           Yes, sir.

16          Q           And would you refresh my recollection,  
17          because I don't know where it is right here. After  
18          Mr. Dunham raised his concerns in whatever form he  
19          did, you had an interview with him at which -- did  
20          you say you talked with him and indicated, after the  
21          meeting of the 24th, that he had other places he  
22          could go to raise his concerns, or am I --

23          A           No.

24          Q           No? Okay.

25          A           My own interface with Mr. Dunham after

1 the meeting of the 24th was on the afternoon of the  
2 26th at the counseling, which ultimately --

3 Q Let me go back to the 18th.

4 A Yes, sir.

5 Q After the meeting of the 18th, when he,  
6 as I recall, expressed his concerns in a more general  
7 sense, I believe you testified, did you not, that you  
8 asked him specifics?

9 A I asked all the people present in the  
10 little group that kind of gathered around that if they  
11 had any specifics, to please bring them to me and I  
12 would take appropriate action and that I would  
13 investigate the generalities.

14 Q And did you raise the question also as to  
15 whether or not, in addition to the specifics, about  
16 their interactions with individual crafts personnel,  
17 whether or not they had any concerns about these  
18 changes that were being proposed in the procedures?

19 A Not at the meeting of the 18th.

20 Q Did Mr. Dunham leave you with the clear  
21 impression as to whether or not he was concerned about  
22 the changes in the procedures or whether he was  
23 concerned about interactions with specific members  
24 of the crafts?

25 A From the meeting of the 18th, after that

1 meeting, his conversational exchanges were addressed  
2 to -- threats, intimidation, harassment of inspectors.

3 Q So he did not direct his comments, that  
4 you're aware of, to you anyway, to the substance of  
5 the changes that were being made, is that -- did he  
6 express any objection to any of the changes that were  
7 being proposed on substantive grounds?

8 A During that meeting, I was standing in  
9 front of the group along with the other speakers  
10 looking out. During the time when members were  
11 mentioning changes were upcoming, modifications to  
12 the program, Mr. Dunham would turn and speak to some-  
13 body, make gestures, physical, facial -- indicating --  
14 gestures of his displeasure with those upcoming  
15 changes.

? 16 MR. WALKER: You continue to describe that  
17 for the record?

18 HE WITNESS: Shoulder shrugs, "Here we  
19 go again" type of gestures.

20 BY MR. WOLF:

21 Q And by here we go again, the gesture, would  
22 you describe that a little bit more also? You indicated  
23 -- or if I may -- I'm not very good at describing  
24 gestures which may be your problem, but you indicated  
25 a shrug and thrusting your arms out to your side.

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A That's appropriate.

(Pause.)



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1                   Negative head shaking, at some points, it was  
2 significant enough that coupled with the conversation, after  
3 the meeting I inquired as to who the individual was.

4           Q       But Mr. Dunham, to the best of your recollection,  
5 did not indicate that if any one of these changes were made  
6 that it would have the following adverse consequences with  
7 respect to the integrity of the construction operation or  
8 the safety of the reactor?

9           A       Did not, at any time during my interface with  
10 Mr. Dunham, make a statement of that type.

11          Q       I have just a few specific questions related to  
12 some of your testimony, some of the details.

13                   All right, at the meeting, the counseling session  
14 -- before I get to the counseling session itself, have you  
15 engaged in counseling sessions with other employees in the  
16 past?

17          A       Both prior to and subsequent to Mr. Dunham's  
18 case? Yes.

19          Q       Is there a written procedure that's followed, in  
20 the company, with respect to how counseling sessions are to  
21 be conducted, what sorts of papers are to be prepared, and  
22 just what should be done?

23          A       There are some written instructions, yes.

24          Q       And as far as the procedures, leaving aside the  
25 substance, were those procedures followed in this case?

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1 A To the best of my knowledge they were, yes sir.

2 Q And within the second half of 1983, just  
3 approximately how many counseling sessions with employees  
4 subject to these procedures do you think you took part in?

5 A Formal counseling sessions? None.

6 Q The one we're talking about, with Mr. Dunham,  
7 was a formal counseling session, is that correct?

8 A Yes.

9 Q At one point, in your testimony, you made a  
10 comparison between the behavior of Mr. Dunham at this  
11 session and you said, I believe, you had never seen -- the  
12 precise words I don't remember, but such an agitated  
13 performance. Have you attended other formal counseling  
14 sessions, from time to time?

15 A Three in the last two weeks. I've been in  
16 supervisory leadership role for most of my 30 years in the  
17 construction business.

18 Q So you have had exposure to several -- many?

19 A Both formal and informal. Not very many formal.  
20 Most people that work for me I am normally able to work with,  
21 and I pride myself on being able to interface with people to  
22 reach whatever level each individual needs to understand  
23 what's going on.

24 Q When Mr. Dunham was given the piece of paper that  
25 had been prepared and became agitated, you indicated that

ar71b3

1 he made physical gestures. I'd like to ask you to describe,  
2 as best you can recall, what physical gestures he might have  
3 made in that case.

4 A I don't think, in my testimony, that I -- when  
5 he entered the door he made a grand physical entrance. You  
6 know, "here am I, boss, how can I help you?", arms open,  
7 pleasant, pretty light.

8 He became agitated, both physically -- high facial  
9 color, agitated speech, slammed his hand down on the table,  
10 "No damned way", spoke with his hands, if you will,  
11 reinforced his points with physical gestures.

12 Q Nothing of an assaultive nature?

13 A No, sir.

14 Q Nothing of an obscene nature?

15 A No, no wrong salutes or doubled fist, no sir.

16 Q There is a statement, in what you have testified,  
17 Mr. Purdy wrote in Exhibit B, the quotation of Mr. Dunham,  
18 which is where it's reported to be "I have my ammo and I  
19 have had enough." Do you recall those words?

20 A I've seen those words today, yes, in the statement.

21 Q Do you recall having had any discussion with  
22 Mr. Purdy as to -- between the time of the conference and  
23 the time that -- at any time after the conference? Do you  
24 recall having had a discussion with Mr. Purdy as to what  
25 you believed "my ammo" referred to?

ar71b4

1           A        I don't believe so. As a matter of fact, until  
2 Mr. Jacks showed me that today, I had forgotten exactly what  
3 Mr. Purdy's comments, at the time of termination, were.

4           Q        But you testified that -- is it your recollection  
5 that Mr. Dunham did, in fact, make a statement such as  
6 "I have my ammo, and I have had enough?"

7           A        My recollection of the testimony is substantially  
8 the same. I don't believe I used the word ammo. I think  
9 my recollection is he said "I've got mine and I've had enough  
10 of this shit."

11          Q        Was it your belief that Mr. Dunham was referring  
12 to was incidents of intimidation which he personally had been  
13 intimidated or threatened or harassed?

14          A        Can I answer that, as to what I felt he was  
15 addressing?

16          Q        Yes.

17          A        I felt, when he said that, that he would probably  
18 go to the NRC with allegations that we, Comanche Peak cooling  
19 system, was a great big donnybrook and that he felt he had  
20 substance and means to substantiate that, as punitive action  
21 for his counseling.

22          Q        On the way to the time office Mr. Dunham, you  
23 testified, spoke to another inspector for less than a minute.  
24 And while you did not overhear their conversation, you  
25 indicated that he did have a conversation with someone.

ar71b5

1 Do you recall who that other inspector was?

2 A Walter Elliott.

3 Q I'd like to go on to the other four for a minute,  
4 two of Mr. Dunham's.

5 With respect to Mr. Finn, would you go over once  
6 again what Mr. Finn -- Mr. Finn came to you, as I recall, and  
7 he told you some sort of problem he had had with Mr. Murray.  
8 And I didn't understand what the nature of that problem was.  
9 Could you just tell me?

10 A Mr. Finn was in the bathroom, in the Administration  
11 Building. Mr. Murray also was in the bathroom. Mr. Murray  
12 asked Mr. Finn how many inspections he had completed. Mr.  
13 Finn responded by number. Mr. Murray indicated to him that  
14 maybe that wasn't enough inspections to warrant coming over  
15 to use the sanitary bathroom, as opposed to the non-flush  
16 outhouses that are strung about the project.

17 Q And without going through all of the sequel, I  
18 now understand -- I missed the bathroom part before, which is  
19 why I was uncertain as to this event -- but I think you  
20 concluded that discussion, that it was your understanding that  
21 Mr. Murray has subsequently been disciplined, in some fashion.  
22 Is that correct, with respect to matters arising out of this  
23 and perhaps other incidents?

24 A That is true.

25 Q You indicated that you have a standing order that

ar71b6

1 any concern by an inspector, regarding intimidation, was  
2 to be brought to your attention. What form does that  
3 standing order take?

4 A You mean is it written?

5 Q Yes, yes.

6 A There is a standing site order, in writing. My  
7 order is verbal to the people that I interface with daily,  
8 hourly, in lead positions, directly interfacing with  
9 inspectors and their activities in the field.

10 Q And have you spoken with everyone of the people  
11 reporting to you personally?

12 A I have.

13 Q And have you indicated to each and every one of  
14 those, at some point in time, and if they were employed  
15 prior to August of 1983, that if there is any instance in  
16 which they consider themselves to be harassed, intimidated,  
17 or threatened, for the performance of their duties in  
18 accordance with established procedures, that they should talk  
19 to you about them?

20 A I have.

21 Q And that's in accordance with this standing order  
22 that you're referring to here?

23 A I interface with knowing my leads. I would say  
24 all inspectors who work directly for me I see at least once  
25 a day and normally numerous times during the day, both in the

ar71b7

1 field or in my office, or in their lunchroom.

2 Q In the case of Mr. Perlaki -- and I'm just going  
3 to go through these three remaining individuals, and ask you  
4 to sharpen up for me what the nature of the concern that each  
5 inspector had and what the resolution of that concern was.

6 In other words, in Mr. Perlaki's case, there was  
7 something about a checker plate, and he felt that he might  
8 have been pressured into accepting something that did not  
9 conform to the acceptance criteria?

10 A That's true.

11 Q And he reported that to you?

12 A Yes, sir.

13 Q And he wrote an NCR -- ultimately he wrote an  
14 NCR describing the incident and -- no? All right.

15 A Ultimately there were two NCRs written on that  
16 checker plate, resulting from Mr. Perlaki's confusion during  
17 the time of inspection and accepting something that was less  
18 than acceptable, per the existing criteria.

19 Q And when he had accepted that, had he discussed  
20 the quality of the item with one of the crafts people, one  
21 of the crafts persons? In other words, what I am leading  
22 to was did he explain -- what was the reason he gave for  
23 having accepted that item that did not meet inspection  
24 criteria?

25 A In the area immediately around where he was at and

ar71b8

1 the item at which he was looking, which was the point of  
2 discussion, there were discussions by craft superintendents,  
3 engineers, quality engineers, as to what the upcoming changes  
4 -- proposed changes -- would do to the acceptance criteria.  
5 That item, relative to what was acceptable, what was  
6 rejectable.

7 Mr. Perlaki, at that time, became confused,  
8 accepted the item, and was involved in accepting the item,  
9 and later had second thoughts about well, it really didn't  
10 meet the criteria, expressed his concerns and felt that maybe  
11 he had been pressured.

12 Q Did he indicate what individual might have said  
13 something to him that persuaded him, initially, to accept the  
14 item?

15 A I have not ever seen Mr. Perlaki's statement to  
16 Mr. Greier relative to the subject, but I'm aware of the  
17 statement that there were managers, superintendents,  
18 engineers, people of substance in the program. And he felt  
19 that he may have been pressured into the -- he was sure that  
20 he had accepted something that was not, in fact, acceptable.  
21 He wanted to correct the situation.

22 Q He discussed that with you?

23 A Yes, sir.

24 Q You advised him of his options and you went to see  
25 Mr. Greier?



ar71b9

1           A       That's correct. I also corrected the situation  
2 in the field that people interfacing with inspectors, and  
3 that kind of situation.

4           Q       What did you do?

5           A       I talked to the players at the next management  
6 meeting, that they needed to be careful about how they  
7 addressed that.

8           Q       At these management meetings, are there minutes  
9 taken of these?

10          A       No. We have a meeting twice a day on protective  
11 coatings. We've had them for about six months. They're not  
12 management meetings. We discuss problems. Any time that you  
13 have to write an NCR that could have been avoided is something  
14 that needs to be addressed.

15          Q       Mr. Krisher, Mr. Huntley, and Mr. Niedak -- my  
16 notes were too fragmentary to ask you, so I'm going to ask you  
17 to concisely state what those incidents involved, once again.  
18 Let's take Mr. Huntley, first.

19          A       Mr. Huntley was involved in an ongoing inspection.  
20 The management individual leaned over his shoulder, reached  
21 down to the object that he was inspecting.

22          Q       Which was a --

23          A       I believe it was a hanger, a small hanger. And  
24 indicated that the management person indicated that he  
25 certainly assumed that would be acceptable if he couldn't see

ar71b10

1 anything wrong with it, and pointed out that this, that,  
2 and the other were obviously acceptable to him.

3 Q And was there inspection procedure and an  
4 applicable acceptance criterion that Mr. Huntley would have  
5 been applying at the time?

6 A There is -- there was.

7 Q And would you know what that is, or would there  
8 be records that would indicate what that procedure or criterion  
9 was?

10 A The procedure number would lead you to the criteria.

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ar81b1

1 Q And did you indicate also this was another  
2 case where the inspector went to Mr. Grier?

3 A Yes, he did.

4 Q And when he goes to Mr. Grier, would it be a part  
5 of the procedure you would expect he would follow to fill out  
6 some sort of report?

7 A I'm sure that Mr. Grier -- I have seen a portion  
8 of one, so I know he does it, presents a statement to at  
9 least the QC manager. Who else it may go to, I don't know.

10 Q And the last gentleman was -- how do you pronounce  
11 his name?

12 A Niedeken.

13 Q Niedeken. And what was the nature of the incident  
14 there, one more time?

15 A Mr. Niedeken was in the process of performing  
16 an inspection when a management representative --

17 Q By name.

18 A I think there was a superintendent and also the  
19 building manager involved, Mr. Johnson and Mr. Murray. That  
20 he should relocate and he had already been reassigned twice  
21 by my people. The inspection leads felt that he had had  
22 sufficient amount of reassignment and indicated he was going  
23 to stay put until he finished his inspection.

24 There was some verbal exchange, the total of which  
25 I don't know. I wasn't on the job site that day, so I wasn't

ar81b2

1 personally involved. My replacement advised me of the  
2 situation when I returned.

3 Q Who was that?

4 A Mickey Finn. And he also --

5 Q Did Mr. Finn tell you what he advised Mr.  
6 Niedeken?

7 A He had advised Mr. Niedeken of his options and  
8 reporting levels, including talking to Mr. Grier, the NRC  
9 rep, the QA/QC management, the project level management, or  
10 calling downtown if he felt it was warranted.

11 Q At the end of your testimony you made a comment  
12 about Mr. Brandt not being in the direct supervisory line.  
13 Is that correct? What was Mr. Brandt's role?

14 A At what point in time, sir.

15 Q Well, let me put it this way. Has Mr. Brandt  
16 been at Comanche Peak throughout this entire period of time?  
17 From June --

18 A He has been assigned to Comanche Peak, yes.

19 Q And what was your relationship to Mr. Brandt in  
20 July and August of 1983?

21 A He was my immediate supervisor.

22 MR. JACKS: Jim, excuse me. I think it may have  
23 been Mr. Grier that Mr. Krisher mentioned as not being in  
24 the direct supervisory line.

25 MR. WOLF: I withdraw the question, then.

ar81b3

1 THE WITNESS: There was confusion in the comment,  
2 and I wanted to clarify it.

3 MR. WOLF: Thank you for the clarification.

4 MR. JACKS: Sure.

5 MR. WOLF: I don't want to get anymore confused  
6 than I already am.

7 That concludes the questions that I have, Mr.  
8 Krisher, and I appreciate the responses you have given.  
9 You have been very helpful.

10 (Recess.)

11 EXAMINATION

12 BY MR. WALKER:

13 Q Mr. Krisher, returning for a moment to your  
14 discussion of a meeting on August the 24th with the EBASCO  
15 coatings engineers, what do you know, if anything, about the  
16 professional credentials of the two gentlemen, Mr. Kelly  
17 and Furtell, who spoke at that meeting?

18 A They are both degreed engineers. Mr. Furtell  
19 works out of the design and engineering office in New York.  
20 Mr. Kelly works out of the corrosion engineering office in  
21 Houston, involving numerous technical projects and field  
22 projects dealing with coatings.

23 Q To what extent would you say, to your knowledge,  
24 they are regarded as experts in the field of protective  
25 coatings in nuclear engineering?

ar81b4

1           A       As I understand it, Mr. Furtell has been a  
2 consultant called in to consult on many nuclear systems and  
3 he is currently involved in Waterford and the South Texas  
4 Project at Houston, and also involved here. I don't specifi-  
5 cally know Mr. Kelly's nuclear background.

6           Q       At the meeting, on August 18th, to your knowledge,  
7 were the people in attendance there of the qualifications of  
8 those two gentlemen?

9           A       I don't think that any of the craft or QC people  
10 were really aware, at that meeting, who this involved in  
11 the task force in the coatings system.

12          Q       Was there nothing said, to the attendees in the  
13 meeting, at the 18th, by way of introduction of Mr. Kelly and  
14 Mr. Furtell?

15          A       I don't think -- on the 18th?

16          Q       I'm sorry, on the 24th.

17          A       On the 24th, I arrived at the meeting after it  
18 had started. Introductions and credentials, I really don't  
19 know.

20          Q       Do you have any idea what portion of the meeting  
21 of the 24th you may have missed?

22          A       Five to ten minutes, probably.

23          Q       What, if any, qualifications did Mr. Dunham have  
24 in the area of coatings engineering?

25          A       None, to the best of my knowledge.

ar01b5

1 Q What, if anything, in Mr. Dunham's background,  
2 in your knowledge, would have qualified him to question the  
3 opinions of experts in the field of nuclear protective  
4 coatings?

5 A Other than previous experience as an applicator,  
6 I know of no previous qualifications Mr. Dunham had.

7 Q In response to questions about what you  
8 understood to be your responsibilities in the event that  
9 someone came to you with allegations or expressions of  
10 concern about the possibility of intimidation or harassment  
11 of QC employees, you testified that you felt it was your  
12 responsibility initially to look into those matters. And I  
13 think your phrase was, "in a low-key way." Is that accurate?

14 A If the expression of concern is general, as  
15 opposed to specific, yes. If it was specific, I would  
16 advise the concerned employee and immediately inform my  
17 supervisors.

18 Q What exactly did you mean by the phrase "low-key"  
19 in that context?

20 A Calm, collected, not spin-off and run off and wave  
21 my arms and shout. To talk to people involved to find out  
22 if there was any substance to the concern, more than one  
23 situation, or just one situation being played over and over  
24 again.

25 Q Okay. Would it be fair to say that by "low-key

ar81b6

1 approach" you were suggesting a non-confrontational approach,  
2 an informal approach, as opposed to filing some sort of  
3 formal complaint?

4 A Informal, I would say, would be the appropriate  
5 summary. In a situation addressed at this hearing, I have  
6 talked to people who normally I would not interface with.  
7 Construction superintendents. I have stayed several hours  
8 at night and talked to night shift supervisors, construction  
9 supervisors, one of the foremen on nights, the crews at the  
10 building, absorbed reactions and interfaces that were  
11 going on.

12 Q In your testimony, you described three incidents  
13 over the last several months in which inspectors within your  
14 organization expressed concerns about activities that they  
15 might have regarded as attempts at intimidation or harassment.  
16 And you also said that you -- to cases in which you dealt  
17 directly with the individuals that you suggested to them they  
18 had a number of alternatives through which they could pursue  
19 their concerns. Is that correct?

20 A I did.

21 Q What, if anything, did you tell those individuals  
22 should be the way in which they should regard the incidents  
23 that they had come to you to describe?

24 A I don't understand your question.

25 Q Did you say anything else to these individuals,



ar81b7

1 other than to point out to them the alternatives they had?

2 A I assured them if they had other problems of  
3 this same nature, they should get back to me immediately.  
4 We talked about if this was the first, or the second, or  
5 the third time. I reinforced the utility decision, that  
6 there will be no threats, intimidation, and harassment of  
7 Quality Control people at Comanche Peak.

8 Q What, if anything, did you indicate to them would  
9 be the significance of the incidents with regard to their  
10 job security?

11 A That it would have no bearing. It never has, for  
12 people who work for me.

13 Q What is your view of the performance of the  
14 individuals -- Mr. Finn and Mr. Huntley I believe were the  
15 two, is that correct?

16 A Yes. Mr. Finn is probably in the top five  
17 inspectors. Mr. Huntley is a fairly new inspector and  
18 demonstrates good knowledge. I would say of all the new  
19 inspectors, he is probably the top of the line, probably  
20 the best inspector.

21 Q What, if any, effect on your assessment of those  
22 individuals, due to the fact that they came to express these  
23 concerns, did you have?

24 A Personally, I felt it reinforced the policies that  
25 they were working and people felt like they could come and

ar81b8

1 talk. Mr. Huntley and Mr. Finn, normally and historically  
2 have no problems in interreaction in the field.

3 Q Now, if I remember correctly, you did not speak  
4 directly with Mr. Niedeken and Mr. Perlaki about the concerns  
5 that they raised. Is that correct?

6 A I spoke directly with Mr. Perlaki. I spoke to  
7 Mr. Niedeken after the fight.

8 Q In what way did your handling of those two  
9 individuals differ from your handling of Mr. Huntley and  
10 Mr. Finn, other than the fact that -- at least in Mr.  
11 Niedeken's case -- you were not the one who personally  
12 described to him the alternatives he had for pursuing his  
13 concern?

14 A Overall, I think it was the same type of inter-  
15 reaction, except for small details. Any time that my  
16 people have any confrontation or negative reaction between  
17 the craft people. I normally caution the other department  
18 about avoiding a recurrence.

19 Q Did you do that, in those cases?

20 A I did.

21 Q What, if any, impact did the fact that Mr. Perlaki  
22 and Mr. Niedeken raised the concerns that they had raised,  
23 have on your assessment of their value as members of your  
24 organization?

25 A It has not altered my opinion as to their

ar81b9

1 competence or acceptability.

2 Q What, if anything, have you said to them to  
3 indicate that that was your attitude?

4 A Specifically only during the discussions that  
5 what had happened was contrary to what should happen and  
6 they had done correct by coming to me with it, and they should  
7 take whatever steps they felt were appropriate to elevate  
8 it to the next level, if they so wanted.

9 Q In describing the concerns Mr. Huntley expressed,  
10 in response to one of the questions that Mr. Jacks asked,  
11 according to my notes, you said something to the effect that  
12 Mr. Huntley had inadvertantly applied the incorrect  
13 acceptance criteria, or something of that sort. What did  
14 you mean by the use of the word "inadvertantly" in that  
15 context?

16 A Mr. Huntley did not -- the only inspector involved  
17 in those four instances that accepted something contrary  
18 to the written instruction was Mr. Perlaki. And in January  
19 of '83, I believe, is the time frame of his instance.

20 Q I'm sorry. Yes, it was Mr. Perlaki. But I  
21 do believe you used the word "inadvertantly applied an  
22 improper acceptance criteria."

23 A Mr. Perlaki's statement to me was that he had  
24 become confused, based on the technical conversations going  
25 on around him between numerous other parties and if

ar81b10

1 Mr. Perlaki, in my opinion, did anything wrong, he did not  
2 refer to his written instruction, which he carries with him  
3 during the inspection. And except only to that written  
4 instruction. He just had a mental error.

5 Q Now I also believe you testified that Mr.  
6 Perlaki thereafter wrote a couple of Non-Conformance Reports  
7 on the area that he had been inspecting, in the context  
8 that he discussed with you. Is that correct?

bu3

9 A I believe Mr. Perlaki wrote one and another  
10 inspector wrote another one, addressing the two areas  
11 involved.

12 Q What occasioned the writing of those NCRs?

13 A Mr. Perlaki asked me and, I believe -- what should  
14 we do about the condition in the field. And I told him we  
15 need to write an NCR indicating that the item is non-conforming  
16 as it now stands to the written instructions.

end8

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ARj1 9/1

XXXXXXXX

1 MR. WALKER: I have no further questions.

2 FURTHER EXAMINATION

3 BY MR. JACKS:

4 Q In response to a question by Mr. Wolf in which  
5 the two engineers appeared, you responded, in one of your  
6 answers, that the conduct of Mr. Dunham at that meeting was  
7 significant enough that following the meeting you inquired  
8 who that person was.

9 Did I understand you right?

10 A I think the time frame was different. I  
11 inquired as to who Mr. Dunham was after the August 18th  
12 meeting.

13 Q Well, now, during the August 18th meeting, I  
14 understood you to say that Mr. Dunham didn't do or say  
15 anything. And that it was only after the meeting that  
16 he came up to you and engaged you in conversation; am I  
17 not right about that?

18 A He did not speak out when invited to discuss  
19 the problems with the coating system.

20 Q He didn't say a blessed thing at the  
21 August 18 meeting, did he?

22 A He did not speak out during that meeting.

23 As new to the coating system, I was observing  
24 the reaction of the brown hats, who are the quality control  
25 people at that meeting.

1 I observed Mr. Dunham and several others on the  
2 right hand, as I faced the group, and was watching their  
3 responses to both engineering and management presentations  
4 to see what effect it was having.

5 I also observed some of the coatings at that  
6 meeting.

7 Q Do I understand your testimony to be at the  
8 August 18th meeting Mr. Dunham sat silently through the  
9 meeting, and it was only after the meeting he came up to  
10 you and made some comments to you?

11 A Mr. Dunham, on the 18th meeting, did not  
12 respond when the invitation was extended to all the  
13 people at the meeting for a presentation of changes  
14 similar to the presentation at the August 24th meeting.

15 Mr. Dunham expressed, with facial gestures and  
16 comments and physical shrugging, that he found those changes,  
17 in my opinion, to be unacceptable.

18 Q He did this at the August 18th meeting?

19 A And at the August 24th meeting, he was vocal in  
20 his disapproval.

21 Q All right.

22 Now, I must get to the August 18th meeting.  
23 We haven't explored this area of your testimony yet, except  
24 that he made facial expressions and comments.

25 And what else did he do?

1           A       Physical gestures of negatives, shoulder shrugs,  
2 grimaces, head shaking, "Here we go again."

3           Q       All right.

4                    Well, let's take comments. First of all, did  
5 the man say anything, or did he not say anything in the  
6 meeting on August 18th?

7           A       He said nothing that I could hear during the  
8 meeting of August the 18th.

9           Q       Were you at a spot where you could have heard  
10 him if he'd talked out and said anything?

11          A       If he had spoke out to the group, I could have  
12 heard him.

13          Q       But he didn't do that?

14          A       No, sir, he did not.

15          Q       But he shrugged and made facial expressions?

16          A       And turned to comment to his fellow employees,  
17 people in his immediate vicinity.

18          Q       What kind of facial expressions did he make?

19          A       Grimaces.

20          Q       Like he'd just taken a bite of something sour?

21          A       Something like that, yeah.

22          Q       And he shrugged his shoulders?

23          A       Shrugged his shoulders, shook his head no at  
24 specific changes.

25          Q       Now, what you told Mr. Wolf, in response to the

1 question that he asked you, which I'll confess I thought was  
2 about the August 24th meeting, was that it was Mr. Dunham's  
3 behavior during the meeting, coupled with the comments he  
4 made after the meeting, that prompted you to ask where the  
5 man was.

6 Did I get that right?

7 A Yes.

8 Q Is that your testimony?

9 A Yes.

10 Q And we're talking about the August 24th meeting,  
11 not the August 18th meeting?

12 A Yes.

13 Q When he came over and engaged you in conversation  
14 about his concerns about harassment and intimidation after  
15 the August 18th meeting, did he introduce himself to you?

16 A Probably.

17 Q Why did you have to ask later who he was?

18 A I don't remember names very well, to be very  
19 honest with you.

20 Q It had slipped your mind in the 15 minutes or so  
21 that he engaged you in conversation?

22 A There were two or three people there. I was  
23 trying to remember the names of the people that had spoken  
24 at the meeting.

25 (Pause.)



1 Q Did you consider Mr. Dunham's nonverbal conduct  
2 during the August 18th meeting to be disruptive conduct?

3 A It raised a concern in my mind as to who he was.  
4 He obviously, in my opinion, demonstrated gestures that was --  
5 that he didn't approve of the changes that were being  
6 proposed.

7 Q Now, when you all had this conversation in the  
8 room there at the end of the meeting when he came up and  
9 introduced himself and started talking to you about some of  
10 his concerns, did you ask the man anything like, "Well, I  
11 noticed you didn't seem to agree with what was being said at  
12 this meeting. What's your problem?"

13 Did you ask him anything like that?

14 A I did not.

15 Q Did you care why he so obviously disagreed?

16 A I was concerned as to why.

17 Q But not concerned enough to ask him?

18 A There were other poeple present.. It didn't seem  
19 like an appropriate time to ask that type of question.

20 Q Did you ever approach Bill Dunham and say, "Bill,  
21 I want you to tell me what your problem is with these  
22 regulations and these new criteria that we're coming out  
23 with"?

24 A In the six or seven-day time frame, I didn't have  
25 time to get with Bill Dunham personally. I did not see

1 Bill Dunham, to the best of my knowledge, even on a casual  
2 basis during that six or seven days.

3 Q Well, you say him again on the 24th of August at  
4 the second meeting that you described to us?

5 A That is true.

6 Q Following that meeting, did you ask him, "Bill,  
7 what's your trouble with these criteria? Let's talk about  
8 it"?

9 A That was intended to be part of the counseling,  
10 to find out what his specific problems were, why he couldn't  
11 seem to accept a change in the program.

12 It deteriorated prior to getting to that point.

13 Q Isn't it true, Mr. Krisher, that the very first  
14 communication that you had with Bill Dunham regarding any  
15 objections or questions or concerns he had about the new  
16 engineering criteria was the communication that you had  
17 expressed in writing to him on the employee counseling and  
18 guidance report on Exhibit B that was handed to him after  
19 he walked into Mr. Purdy's office at 4:30 in the afternoon  
20 on the 26th of August, 1983; true?

21 A I had -- I did not speak to Bill Dunham during  
22 that counseling session. I did not question him relative  
23 to his perceived reluctance to accept the changes in the  
24 program at any point in the proceedings.

25 Q Either that day or before that, you hadn't done

1 that, had you?

2 A No, sir.

3 MR. JACKS: I don't have any further questions  
4 now.

5 I thank you.

6 FURTHER EXAMINATION

7 BY MR. WOLF:

8 Q Just one question on Exhibit B, the reevaluation  
9 within 30 and 60 days, which is in your writing, I think  
10 you testified that was actually on the form when Mr. Dunham  
11 saw it on the 26th?

12 A Yes, it was.

13 Q And I think you testified, did you not, that it  
14 was your intention that there would be -- or it was  
15 Mr. Purdy's intention, as you understood it, that in the  
16 absence of a satisfactory explanation -- although you didn't  
17 say that -- I'll ask you whether that was the condition --  
18 that there be a three-day suspension?

19 Was that -- what was -- did Mr. Purdy indicate --

20 MR. JACKS: I'm sorry. I didn't hear your  
21 answer to that question, Mr. Krisher.

22 THE WITNESSES: I didn't answer it, sir.

23 MR. JACKS: No wonder I didn't hear it.

24 BY MR. WOLF:

25 Q Did Mr. Purdy indicate to you before the counseling

XXXXXXX

1 session began what course of action he proposed to take  
2 with respect to Mr. Dunham?

3 A There was not planned any suspension with or  
4 without pay. It was only to be a counseling session, with  
5 a 30- and a 60-day follow-up. There is no planned time off.

6 At the time of that -- that the counseling took  
7 place, there was no planned time out.

8 MR. WOLF: That's all.

9 MR. WALKER: That's all.

10 MR. JACKS: I don't have any other questions.

11 Again, I thank you, Mr. Krisher.

12 THE WITNESS: Thank you.

13 (Whereupon, at 5:30 p.m., the taking of  
14 the deposition was concluded.)

15  
16  
17 

---

Myron G. Krisher

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end 9

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before  
the NRC Commission

In the matter of: Texas Utilities Electric Company,  
et al., (Comanche Peak Steam  
Electric Station, Units 1 and 2)

Date of Proceeding: July 9, 1984

Place of Proceeding: Glen Rose, Texa

Witness: Myron G. "Curly" Krisher

were held as herein appears, and that this is the original  
transcript for the file of the Commission.

Margaret Schneider  
Official Reporter - Typed

Margaret Schneider  
Official Reporter - Signature

CERTIFICATE OF PROCEEDINGS

1  
2  
3 This is to certify that the attached proceedings before the  
4 NRC COMMISSION

5 In the matter of: DEPOSITION OF MYRON KRISHER

6 Date of Proceeding: July 9, 1984

7 Place of Proceeding: Glen Rose, Texas

8 were held as herein appears, and that this is the original  
9 transcript for the file of the Commission.

10  
11 Ann Riley

Official Reporter - Typed

12  
13 

14 Official Reporter - Signature

RESUME

M. G. "Curly" Krisher  
Rt. 2 Box 295  
Goochland, Virginia 23063

Age: 49; Health: Excellent  
Ht. 6'-1" Weight: 205#  
Married - (1) Dependent Child

SUMMARY OF  
EXPERIENCE

Twenty-five (25) years of construction and related experience. Twenty (20) years nuclear and five (5) years general heavy construction as a Manager, Superintendent, Supervisor, Engineer, Inspector, Acceptance & Start-up Technician, Welding Instructor and Craftsman.

1981 - Present

Virginia Electric and Power Company  
Richmond, Virginia

Superintendent power station construction (mechanical, welding and all craft site support) at North Anna Nuclear #3; Mineral, Virginia.

1979 - 1981

Pittsburg DesMoines Steel Company  
Sacramento, California

General Superintendent erection and field fabrication nuclear fuel cells and piping at the Fast Flux Test Facility D.O.E.; Hanford, Washington.

1974 - 1979

Burns & Roe, Inc.  
Ordell, New Jersey

Area Superintendent of the containment vessel internal's nuclear island retrofit and system turn over 1978-1979.

Senior Mechanical Supervisor for piping, mechanical work and all craft site support in all areas of plant 1977-1978.

Mechanical Construction Management Engineer (All Craft Coordinator) Project Tankage, HVAC and outplant piping and structures 1976-1977.

Project Welding Engineer 1975-1976.

Lead Quality Assurance/Control Engineer Welding, Mechanical and Non-Destructive Testing 1974-1975.

Above positions were during construction of Washington Public Power Supply System Nuclear Project #2; Richland, Washington.

Exhibit A  
Room 42  
Wit: Krisher  
TMS 7-9-84

1971 - 1974

J. A. Jones Construction Company  
Charlotte, North Carolina

Supervisor Quality Assurance/Control all disciplines doing work on the D.O.E. Hanford Nuclear Project; Richland, Washington.

1966 - 1971

Battelle Northwest  
Richland, Washington

Mechanical Engineering Specialist (system acceptance/start-up and maintenance) welding testing and training supervisor for the Nuclear Testing Facility; Hanford, Washington.

1960 - 1966

General Electric Company  
Richland, Washington

Senior Engineering Technician (welding, mechanical and piping) during start-up, maintenance and operation of the D.O.E. Reactors and Fuels processing plants on the Hanford Nuclear Project; Richland, Washington.

1956 - 1960

Boeing Airplane Company  
Renton, Washington

Lead spare parts expeditor for commercial service aircraft.

1957 - 1959

Manson/Osberg Construction Company  
Anchorage, Alaska

Assistant Project Engineer (survey party chief) on the early warning communications project Aleutian Island, Alaska.

1951 - 1956

U.S. Navy

Helicopter Air Crew Chief and training Petty Officer; San Diego, California.

EDUCATION,  
TRAINING, AND  
CERTIFICATION

Three (3) years Engineering Science/Field Surveying  
Columbia Basin College; Pasco, Washington - 1956-1957.  
San Diego State; San Diego, California - 1953-1954.

Qualified Welder-AWS-ASME- (SMA, GTA, SAW, GMA, FCAW)  
D.O.E. certified welding instructor (Manual & Automatic).



EDUCATION,  
TRAINING, AND  
CERTIFICATION

Radiography Interpretation

[Vitro Engr. Serv.]

Basic Metallurgy in Welding

SNTC 1A Level 2 (LP, MP, UT, VT)

Corp of Engineer - Certified Concrete and Structural  
Inspector Field Surveyor

Company Certification - (VB - PT - HLT - RWP)

Company Certification of Training and Completion of  
Construction Management

Effective Supervision

Codes and Standards (ASME, ANSI, AWS, AWWA, API,  
AISE, HWS)

Management of Records and Documents

Past member of United Association Local 598, Operating  
Engineering Local 370, Laborers International Union  
Local 348, American Society Non-Destructive Testing,  
American Society Quality Control, and National Transit  
Mechanics.

REFERENCES

Additional information and references upon request.

EMPLOYEE COUNSELING AND GUIDANCE REPORT

Attachment

EMPLOYEE'S NAME BILL DUNHAM

BADGE NUMBER C955

DEPARTMENT QC

REASON FOR CONFERENCE: (Check One)

- Attendance
- Attitude
- Punctuality
- Communication
- Work Performance
- Work Habits
- Pay Evaluation
- Other (Specify)

SUPERVISOR'S STATEMENT: Bill, you have on several occasions verbally expressed a complete lack of confidence in the project protective coatings, Quality, Engineering and Production, program. The most recent and the specific incident of was recorded in the QC office on Wednesday 8/24/83, during the open information exchange between P.C. consultants and the Quality inspectors. Your continued dominance of the meeting by scoffing at, and/or expressing scorn of and for the program was disruptive, counter-productive and unprofessional. The described attitude and actions cannot and will not be tolerated and any further demonstrations of this nature will result in disciplinary action.

Did/Could this create a Potential Problem: Yes  No

IF Yes, explain: A similar program already being delayed by resistance.

RECOMMENDED ACTION(S):

- None
- Not Applicable
- Re-Evaluation Within 30 & 60 days
- Re-assignment to
- Suspension for

Upon informing the employee that he was being counseled for his attitude, I handed him this report and asked him to please read and comment on it. After what appeared to be a quick peruse he threw it back at me and stated "Fuck it, you might as well walk me to the gate because I'm not going to change". I asked him if he did not want to discuss what I perceived only an attitude problem, and he again replied that this (referring to the report) was the biggest problem and I will not sign the report; I have my damn and I have had enough, so you might as well walk me to the gate". Interpreting his response as the response presentation as blatant insubordination, I DATE chose to accept his offer and terminated him for insubordination DATE at 1630 on 8/26/83

EMPLOYEE'S STATEMENT:

He: The above exchange was witnessed by E. Maxco & C. Krisher

EMPLOYEE'S SIGNATURE \_\_\_\_\_

SUPERVISOR'S SIGNATURE \_\_\_\_\_

Distributions: Original - De;

Administrator/Employee's File

Exhibit B, Room 42, Wit: Krisher, mo 7-9-84

*[Signature]*